



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





HARVARD  
COLLEGE  
LIBRARY















B I L L S,

PUBLIC:

*FIVE VOLUMES.*

---

—(4.)—

NEW MINT BUILDING SITE  
TO  
SANITARY LAWS AMENDMENT.

---

Session

*5 March — 7 August 1874.*

---

<sup>4</sup>  
VOL. IV.

© 1874.

---

MAR 28 1881

*Sumner fund.*

BR Doc 650

# B I L L S:

1874.

## FIVE VOLUMES:—CONTENTS OF THE FOURTH VOLUME.

---

N. B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Bill; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for The House of Commons.

---

### New Mint Building Site :

- ✓ 162. Bill for the removal of the Royal Mint to a new Site - - - - p. 1

### Offences against the Person :

- ✓ 13. Bill to amend the Law relating to Offences against the Person - - - 9  
✓ 97. Same [as amended by the Select Committee] - - - - - 13

### Open Spaces (Metropolis) :

- ✓ 230. Bill for affording facilities for vesting in the Metropolitan Board of Works Open Spaces, Gardens, or Squares within the Metropolitan District for the Exercise and Recreation of the Public - - - - - 17

### Oyster and Mussel Fisheries Orders Confirmation [H. L.] :

- ✓ 129. Bill, intituled, An Act to confirm certain Orders made by the Board of Trade, under "The Sea Fisheries Act, 1868," relating to Menai Straits and Paglesham - - - - - 21

### Parliamentary Elections (Polling) :

- ✓ 21. Bill to extend the Hours of Polling at Parliamentary Elections - - - 27

### Parliamentary Elections (Returning Officers) :

- ✓ 68. Bill to regulate the Expenses and to control the Charges of Returning Officers at Parliamentary Elections - - - - - 31  
✓ 204. Same [as amended by the Select Committee] - - - - - 41

### Parliamentary Voters Registration (Ireland) :

72. Bill for the amendment of the Law relating to the Registration of Parliamentary Voters in Ireland [*not printed*] - - - - - 53

### Permissive Prohibitory Liquor :

- ✓ 9. Bill to enable Owners and Occupiers of Property in certain Districts to prevent the Common Sale of Intoxicating Liquors within such Districts - - - 55

### Personation :

- ✓ 146. Bill to render Personation, with intent to deprive any Person of Real Estate or other Property, Felony - - - - - 63

### Petty Sessions Courts (Ireland) :

- ✓ 87. Bill for the better Administration of Justice at Petty Sessions Courts in Ireland - - - - - 67



## Pier and Harbour Orders Confirmation [H. L.] :

- ✓ 169. Bill, intituled, An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bray, Buckie (Cluny), Carlingford Lough, Cattewater, Eyemouth, Great Yarmouth, Kinsale, Lybster, Sandown, Sidmouth, Tees, and Yarmouth (Isle of Wight) - - - - - p. 73
- ✓ 229. Same [as amended by the Select Committee] - - - - - 149

## Police Force Expenses :

- ✓ 211. Bill to make further Provision respecting the Contribution out of Moneys provided by Parliament towards the Expenses of the Police Force in the Metropolitan Police District, and elsewhere in Great Britain - - - 225

## Poor Law Guardians (Ireland) :

- ✓ 95. Bill to provide that in cases of a Poll at an Election for Poor Law Guardians in Ireland the Votes shall be taken by Ballot - - - - - 229

## Poor Relief (Ireland) :

- ✓ 57. Bill to assimilate the Law for the Relief of the Poor in Ireland to that of England by substituting Union Rating for the present System of Rating by Electoral Divisions - - - - - 233

## Post Office Savings Bank :

- ✓ 227. Bill to amend the Law relating to the Payment to and Repayment by the Commissioners for the Reduction of the National Debt of Moneys received in and to the Accounts relating to the Post Office Savings Bank - - - 237

## Powers Law Amendment [H.L.] :

- ✓ 177. Bill, intituled, An Act to alter and amend the Law as to Appointments under Powers not exclusive - - - - - 241

## Prince Leopold's Annuity :

- ✓ 232. Bill to enable Her Majesty to provide for the Support and Maintenance of His Royal Highness Prince Leopold George Duncan Albert on his coming of Age - - - - - 245

## Prison Ministers Act (1863) Amendment :

- ✓ 58. Bill to amend the Prison Ministers Act, 1863 - - - - - 249

## Private Lunatic Asylums (Ireland) :

- ✓ 215. Bill to amend the Law respecting certain Receipts and Expenses connected with Private Lunatic Asylums in Ireland - - - - - 253

## Public Health (Ireland) :

- ✓ 53. Bill to amend the Law relating to Public Health in Ireland - - - 257
- ✓ 161. Same [as amended in Committee] - - - - - 279
- ✓ 210. Same [as amended in Committee and on re-commitment] - - - 309

## Public Health (Scotland) Supplemental :

- ✓ 106. Bill to confirm a certain Provisional Order relating to Duntocher and Dalmuir made under the "Public Health (Scotland) Act, 1867" - - - 341

## Public Meetings (Ireland) :

- ✓ 23. Bill to assimilate the Law of Ireland with reference to Public Meetings to that of England - - - - - 345

## Publick Petitions (Preparation and Presentment) Act (1661) Repeal :

- ✓ 141. Bill to repeal an Act of the thirteenth year of Charles the Second, chapter five, intituled, "An Act against Tumults and Disorders upon pretence of preparing or presenting Publick Petitions or other Addresses to His Majesty or the Parliament" - - - - - 349

**Public Works Loan Commissioners (Loans to School Boards):**

- ✓ 46. Bill to authorise an Advance out of the Consolidated Fund of the United Kingdom to the Public Works Loan Commissioners, for enabling them to make Loan to School Boards in pursuance of the Elementary Education Act, 1873 - p. 353

**Public Worship Facilities:**

- ✓ 27. Bill to provide facilities for the performance of Public Worship according to the Rites and Ceremonies of the Church of England - - - - - 357

**Public Worship Regulation [H.L.]:**

- ✓ 176. Bill, intituled, An Act for the better administration of the Laws respecting the regulation of Public Worship - - - - - 361 ✓  
 ✓ 236. Same [as amended in Committee] - - - - - 375

**Rabbits:**

- ✓ 100. Bill to amend the Law relating to Trespass in pursuit of Rabbits - - - 389

**Rating:**

- ✓ 180. Bill to amend the Law respecting the Liability and Valuation of certain Property for the purpose of Rates [as amended in Committee] - - - - - 395

**Real Property Limitation [H.L.]:**

- ✓ 138. Bill, intituled, An Act for the further Limitation of Actions and Suits relating to Real Property - - - - - 405

**Real Property Vendors and Purchasers [H.L.]:**

- ✓ 137. Bill, intituled, An Act to amend the Law of Vendor and Purchaser, and further to simplify Title to Land - - - - - 413  
 ✓ 233. Same [as amended in Committee] - - - - - 419

**Regimental Exchanges:**

- ✓ 221. Bill for amending the Law relating to Regimental Exchanges - - - 425

**Registration of Births and Deaths:**

- ✓ 80. Bill to amend the Law relating to the Registration of Births and Deaths in England, and to consolidate the Law respecting the Registration of Births and Deaths at Sea - - - - - 429  
 ✓ 224. Same [as amended in Committee] - - - - - 459

**Registration of Firms:**

- ✓ 42. Bill for the Registration of certain Firms carrying on Business in the United Kingdom - - - - - 489

**Revenue Officers Disabilities:**

- ✓ 16. Bill to relieve Revenue Officers from remaining Electoral Disabilities - - 503

**Revising Barristers (Payment):**

- ✓ 127. Bill to amend the Law relating to the Payment of Revising Barristers - 507

**Royal Irish Constabulary and Dublin Metropolitan Police:**

- ✓ 196. Bill to amend the Laws relating to the Royal Irish Constabulary and the Police of the Police District of Dublin Metropolis - - - - - 511

**Royal (late Indian) Ordnance Corps Compensation:**

- ✓ 219. Bill for granting Compensation to Officers of the Royal (late Indian) Ordnance Corps - - - - - 525

---

**Sale of Liquors on Sunday :**

- ✓ 69. Bill to extend to the whole of Sunday the present Restrictions on the Sale of Beer and other fermented or distilled Liquors - - - - - p. 529

**Sale of Liquors on Sunday (Ireland) :**

- ✓ 43. Bill to extend to the whole of Sunday the present Restrictions on the Sale of Beer and other fermented and distilled Liquors in Ireland - - - - - 533

**Sanitary Laws Amendment :**

- ✓ 128. Bill to amend and extend the Sanitary Laws - - - - - 537
- ✓ 195. Same [as amended in Committee] - - - - - 557
- ✓ 202. Same [as amended on consideration] - - - - - 577
-

# New Mint Building Site Bill.

## ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Incorporation of Lands Clauses Consolidation Acts, 1845, 1860, and 1869.
3. Commissioners to carry Act into effect.
4. Authentication of notices.
5. Contracts made by First Commissioner of Works to be valid.
6. Power to Commissioners to enter on lands.
7. Penalty for obstructing Commissioners in exercise of power.
8. Power to Commissioners to purchase lands.
9. Deeds to be enrolled in Court of Exchequer.
10. Lands to continue subject to land tax and rates.
11. Extinction of rights of way and other easements.
12. Advances to be made by the Paymaster General.
13. Powers to Commissioners to execute works.
14. Exemption from Buildings Act.
15. Buildings not to be erected on lands under which Metropolitan District Railway is constructed.
16. No works injurious to health to be carried on.
17. Sale of present Mint.
18. Moneys payable to the Commissioners for sale of land of present Mint or materials or otherwise to be paid to Her Majesty's Paymaster General.
19. No purchase or sale to be without the authority of the Treasury.



A  
B I L L

FOR

The removal of the Royal Mint to a new Site.

A.D. 1874.

**W**HEREAS it is expedient for the public service that the Royal Mint situate in the parish of St. Botolph, in the county of Middlesex, should be removed to a more convenient site, and for that purpose that certain lands situate in the precinct of Whitefriars and the parish of St. Bride in the city of London, should be acquired and appropriated in manner herein-after mentioned: And that the land and buildings of the present Mint should be sold or otherwise appropriated or disposed of, but such objects cannot be effected without the authority of Parliament:

And whereas duplicate plans describing the situation of the said lands, (in this Act referred to as the "prescribed lands,") with a book of reference thereto, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of Middlesex at his office at the Sessions House, Clerkenwell:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Royal Mint Removal Act, 1874." Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall be incorporated with this Act, with the exceptions and additions and subject to the provisions herein-after contained; (that is to say,) Incorporation of Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

(1.) There shall not be incorporated with this Act the sections and provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, section sixteen, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; section seventeen, whereby it is provided that the

[Bill 162.]

A 2



A.D. 1874.

certificate of the justices shall be evidence that the capital has been subscribed ; or the provisions relating to affording access to the special Act ;

- (2.) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be "the special Act," 5 and the Commissioners shall be deemed to be "the promoters of the undertaking ;" and,
- (3.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the common seal of the Commissioners, and shall be sufficient 10 without the addition of the sureties in the said section mentioned.
- (4.) In cases of disputed compensation the jury shall be required to appear before the Court of the Lord Mayor and Aldermen of the City of London to be holden in the Outer 15 Chamber of the Guildhall of the said city according to the custom of the said city, at a time to be appointed by the said court ; and all the directions and provisions contained in "The Lands Clauses Consolidation Act, 1845," in respect to the settlement of questions of disputed com- 20 pensation by juries appearing before the sheriff, coroner, or other person, shall extend and be applied with respect to the settlement of any such question of disputed compensation under this Act by juries appearing before the said Court of Mayor and Aldermen as aforesaid ; and the 25 said court shall give judgment for the purchase money or compensation assessed by such jury ; and a verdict and judgment shall be signed by the registrar of the said Court of Mayor and Aldermen, and entered among the records of the said court, and the said registrar shall settle the 30 costs of every such inquiry.
- (5.) Persons in the possession of any of the prescribed lands, having no greater interest therein than as tenant for a year or from year to year, shall be entitled to the benefit of the 121st section of the Lands Clauses Consolidation 35 Act, 1845.

Commis-  
sioners to  
carry Act  
into effect.

3. The Commissioners of Her Majesty's Works and Public Buildings as incorporated by the Act of the 15 & 16 Vict. c. 28., and who are herein referred to as the Commissioners, shall have the charge of carrying this Act into effect.

40

Authenti-  
cation of  
notices.

4. Every notice or other document required to be given, or signed by or on behalf of the Commissioners may be signed by the secretary or assistant secretary for the time being of the Commis-

sioners, and need not be under the common seal of the Commissioners. A.D. 1874.

5. All contracts in writing made by the First Commissioner of Her Majesty's Works and Public Buildings in the execution of the powers by this Act given to the Commissioners incorporated as aforesaid shall be valid, and shall be binding on the Commissioners, as if the same had been under their corporate seal. Contracts made by First Commissioner of Works to be valid.

6. The Commissioners, their surveyors, officers, and workmen, may at all reasonable times in the daytime, upon giving twenty-four hours previous notice in writing, enter into and upon any of the prescribed lands for the purpose of surveying or valuing the same. Power to Commissioners to enter on lands.

7. If any person wilfully obstruct any person acting under the authority of the Commissioners in the lawful exercise of the powers vested in them under this Act, he shall forfeit a sum not exceeding five pounds for every such offence, to be recovered in a summary manner. Penalty for obstructing Commissioners in exercise of power.

8. The Commissioners may purchase, take, and use for the purposes of this Act all or any of the prescribed lands, and may pay the purchase money, and the costs incidental thereto, out of the moneys placed at their disposal for that object; but all the prescribed lands, as and when they shall be acquired or become appropriated to the purposes of this Act, shall be conveyed to Her Majesty, Her heirs and successors, for the purposes of this Act, and the hereinbefore mentioned Act of the 15 & 16 Vict. c. 28., or for such other purposes of public utility as may be sanctioned by Parliament. Power to Commissioners to purchase lands.

9. Every conveyance, assignment, or other instrument whereby any land by this Act authorised to be purchased is conveyed or assigned to Her Majesty or for the purposes of this Act shall be enrolled amongst the records of Her Majesty's Court of Exchequer, and entered in the books of the said Commissioners; and every such conveyance, assignment, or other deed or instrument, when so enrolled, shall, without any other enrolment or acknowledgment thereof, be good and available in law, any Act of Parliament, law, practice, or usage to the contrary in anywise notwithstanding. Deeds to be enrolled in Court of Exchequer.

10. All lands purchased by the Commissioners in pursuance of this Act, which were at the time of such purchase subject to land tax, to poor or other rates, shall continue liable thereto, but they shall not be assessed to any tax or rate on a higher rateable value than that on which they were assessed on the first day of January one thousand eight hundred and seventy-four. Lands to continue subject to land tax and rates.

[162.]

A 3



A.D. 1874.  
—  
Extinction  
of rights of  
way and  
other ease-  
ments.

11. Upon the purchase by the Commissioners of the prescribed lands or any part thereof, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains, on, through, or under such lands or part thereof, and all other rights or easements in or relating to such land or part thereof, shall be extinguished, and all 5 the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in Her Majesty, Her heirs and successors, subject to this provision, that all persons and bodies of persons, corporate and unincorporate, may recover from the Commissioners such compensation, if any, as they may be entitled to under the provisions 10 of "The Lands Clauses Consolidation Act, 1845," for any rights or property of which they may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

Advances to  
be made by  
the Pay-  
master  
General.

12. *All sums of money required from time to time for the pur- 15 chase of the prescribed land, and for the purpose of erecting upon the same a Royal Mint and the necessary offices connected therewith, with all proper furniture and conveniences, and accesses thereto, as may from time to time be approved by the Commissioners of Her Majesty's Treasury, shall be provided in the first 20 instance by issues to be made to the Paymaster General by the Comptroller General of the Exchequer out of moneys to be provided by Parliament; and all such sums of money shall from time to time be paid over and applied by such Paymaster General as the Commissioners shall by any order direct, and the Paymaster General 25 shall keep a separate account thereof.*

Powers to  
Commis-  
sioners to  
execute  
works.

13. The Commissioners may pull down and remove any buildings and may sell and dispose of any building or other materials on the prescribed lands, and may construct thereon such buildings and works as may be suitable and proper to be used as a Royal Mint, 30 and may do all such other things as may, in their opinion, be necessary or expedient in order to carry into effect the purposes of this Act.

Exemption  
from Build-  
ings Act.  
Buildings not  
to be erected  
on lands  
under which  
Metropolitan  
District  
Railway is  
constructed.  
No works  
injurious to  
health to be  
carried on.

14. All buildings erected on the prescribed lands shall be exempt from the operation of the first part of "The Metropolitan Buildings 35 Act, 1855."

15. It shall not be lawful for the Commissioners to erect any buildings on any part of the prescribed lands on or under which the works of the Metropolitan District Railway are now constructed.

40

16. Nothing in this Act contained shall authorise the carrying on of any operations upon the prescribed lands in such a way as to be a nuisance or injurious to health.

17. From and after the passing of this Act it shall be lawful for the Commissioners, and they are hereby authorised to sell, lease, or otherwise dispose of all or any part of the land upon which the present Mint is erected, and any of the prescribed lands which shall not be required for the purposes of this Act, and to convey, lease, or otherwise assign or transfer the estate and interest of Her Majesty, her heirs or successors, or any person holding in trust for Her Majesty, or for the benefit of the Consolidated Fund of Great Britain and Ireland, in the said land or any part thereof.

A.D. 1874.  
Sale of  
present Mint.

18. All moneys payable to the Commissioners under the provisions of this Act from the sale of any land, or of the present Mint, or of any materials, or otherwise, shall be paid to Her Majesty's Paymaster General or the Assistant Paymaster General for the time being, or other officer acting for the Paymaster General, whose receipt, unstamped, shall be a sufficient discharge for the same to the persons paying the same; and such moneys so paid as aforesaid shall be taken in repayment of advances made by virtue of this Act, and shall from time to time, at such periods as the Commissioners of Her Majesty's Treasury shall direct, be transferred to the account kept by the Bank of England with Her Majesty's Exchequer, and when so transferred shall be carried to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Moneys payable to the Commissioners for sale of land of present Mint or materials or otherwise to be paid to Her Majesty's Paymaster General.

19. No purchase or sale shall be made by the Commissioners for the purposes of this Act without the consent in writing of the Commissioners of Her Majesty's Treasury, but it shall not be necessary for any vendor or any purchaser from, or to any person to whom lands are conveyed in exchange by the Commissioners, to ascertain that such assent has been given, nor shall the Commissioners be bound to produce to any such vendor, purchaser, or person any evidence of such assent; and any such assent may be given either generally, or for any particular purchase or purchases, sale or sales, exchange or exchanges, as to the said Commissioners of the Treasury may seem meet.

No purchase or sale to be without the authority of the Treasury.

# New Mint Building Site.

A

## B I L L

For the removal of the Royal Mint to a  
new Site.

(*Prepared and brought in by  
Lord Henry Lennox  
and Mr. Chancellor of the Exchequer.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
19 June 1874.*

---

---

[Bill 162.]  
*Under 1 oz.*

A  
B I L L

TO

Amend the Law relating to Offences against the Person.

A.D. 1874.

**W**HEREAS it is expedient to amend the law relating to offences against the person :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Offences against the Person Short title. Act, 1874."

2. Sections fifty and fifty-one of the Act of the twenty-fourth  
10 and twenty-fifth years of the reign of Her Majesty, chapter one hundred, are hereby repealed, except as to anything heretofore duly  
done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before  
the passing of this Act. Repeal of sections 50 and 51 of the Statute 24 & 25 Vict. c. 100.

3. Whosoever shall unlawfully and carnally know and abuse any  
15 girl under the age of twelve years shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than  
*five years*, or to be imprisoned for any term not exceeding *two*  
20 *years*, with or without hard labour. Abusing a girl under twelve years of age.

4. Whosoever shall unlawfully and carnally know and abuse any  
girl, being above the age of twelve years and under the age of four-  
teen years, shall be guilty of a misdemeanor, and being convicted  
thereof, shall be liable, at the discretion of the court, to be kept in  
25 penal servitude for the term of *five years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour. Abusing a girl between the ages of twelve and fourteen years.

5. This Act shall be deemed to be incorporated with the Act  
of the twenty-fourth and twenty-fifth years of the reign of Her  
Majesty, chapter one hundred, and shall be construed as if the said  
This Act to be read with the 24 & 25 Vict. c. 100.

[Bill 13.]





# Offences against the Person.

---

A

## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law relating to Offences  
against the Person.

*(Prepared and brought in by  
Mr. Charles, Mr. Whitwell, and  
Mr. Edward Dacresport.)*

---

*Ordered, by The House of Commons, to be Printed,  
11 May 1874.*

---

[Bill 97.]

*Under 1 oz.*

A  
B I L L

FOR

Affording facilities for vesting in the Metropolitan Board of Works open spaces, gardens, or squares within the Metropolitan District, for the exercise and recreation of the public. A.D. 1874.

**W**HEREAS it is expedient to afford facilities for making available the open spaces in and near the metropolis for the use of the inhabitants for exercise and recreation, and to enable the Metropolitan Board of Works to acquire the control and management of such open spaces for such purposes :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10    1. The Metropolitan Board of Works may, by purchase, or by the gift of the person or persons entitled to the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the Metropolitan District, and hold the same in trust for the perpetual use thereof by the public for exercise and recreation, subject to such rules and regulations for the better enjoyment and use thereof as the said Metropolitan Board may from time to time adopt and prescribe.

Metropolitan Board of Works may acquire and hold open spaces for benefit of public.

20    2. As to any open space now or hereafter used as a place of exercise and recreation for the inhabitants of certain houses, and of which the property and right to entry into and use of the same is now or hereafter may be vested in one or more persons as owners of such houses, it shall be competent for the owners or other persons interested therein to convey to the Metropolitan Board of Works, in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions as may be prescribed by them, and as may be accepted by the said Metropolitan Board of Works.

Right of entry to places of recreation may be conveyed to Metropolitan Board of Works.

[Bill 230.]



A.D. 1874.

Cases where  
rights of use  
belong to  
several  
persons.

**3.** Any person or persons in whom shall be vested the rights of use and enjoyment of any open space within the Metropolitan District, and the owner of the land, subject to such rights, may convey to the Metropolitan Board of Works, in trust for the use and enjoyment thereof of the public as aforesaid, the right to enter upon, 5 use, and enjoy for the purposes of exercise and recreation such open space, and upon such terms and conditions as may be agreed upon between them and the said Metropolitan Board of Works; and when several persons are entitled to or have any interest in any such right, and in any such open space, if all of the persons so 10 entitled shall not agree to such terms and conditions, then it shall be lawful for the person who may be entitled to two third parts of the total value of such rights and open space to agree with the said Metropolitan Board, and any agreement that shall be so made by persons entitled to two third parts in value shall be binding upon 15 the residual third part, subject to the provisions herein-after mentioned.

In case of  
objection to  
transfer of  
open spaces  
to Metro-  
politan  
Board of  
Works.

**4.** Any person who may be entitled to any interest, either as owner, occupier, or otherwise, in any such open space or in any such right in respect of which two third parts in value shall as 20 aforesaid have agreed to convey the same for the purposes aforesaid to the Metropolitan Board of Works, may, by notice in writing to the said Metropolitan Board of Works, object to such transfer and conveyance of such open space, and the said Metropolitan Board of Works shall thereupon give notice to the Local Government 25 Board thereof, and the Local Government Board may thereupon cause local inquiry to be made into the case, and after receiving the report upon such inquiry shall decide upon the same, and shall either dismiss the application or shall make a provisional order confirming the proposed transfer, and making such award in respect 30 of the compensation to be paid to the several parties interested as shall appear to them to be fair and equitable, and shall cause such provisional order to be submitted to Parliament for confirmation.

Provision for  
keeping up  
open spaces.

**5.** The Metropolitan Board of Works shall be entitled to make such provision as to the keeping up of any open spaces which may 35 become so vested in them as aforesaid, and to make such byelaws to be confirmed by the Local Government Board, and to be enforced by penalties, as in the case of other byelaws made by them, as they may think fit, the keeping of order therein for the due preservation of the same, the suppression of nuisances, and for securing the 40 enjoyment of the same for public exercise and recreation.

6. The Metropolitan Board of Works shall be empowered to pay the costs and charges which they may incur in the execution of this Act, which shall be deemed to be expenses for which provision is made by the Act for the better local management of the metropolis.

A.D. 1874.  
Expenses.

- 5      7. This Act shall not extend to the royal parks, nor to any garden, ornamental ground, or ornamental land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851.

Extent of  
Act.

8. This Act may be cited as the Metropolitan Open Spaces Act, 1874.

# **Open Spaces (Metropolis).**

A

## **B I L L**

For affording facilities for vesting in the Metropolitan Board of Works open spaces, gardens, or squares within the Metropolitan District for the exercise and recreation of the public.

*(Prepared and brought in by  
Mr. W'alley and Sir George Bowyer.)*

---

---

*Ordered, by the House of Commons, to be Printed,  
24 July 1874.*

---

---

[Bill 230.]  
*Under 1 oz.*

A

# B I L L

## INTITULED

An Act to confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Menai Straits and Paglesham. A.D. 1874.

**W**HEREAS an Order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the several Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1874. Short title.

A.D. 1874.

The SCHEDULE of Orders.

MENAI STRAITS.—Establishment and Maintenance of Several Oyster and Mussel Fishery.

PAGLESHAM.—Establishment and Maintenance of Several Oyster and Mussel Fishery.

5

MENAI STRAITS.

*Menai Straits.*

*Order for the Establishment and Maintenance, by The Anglo-American Oyster Company (Limited), of a Several Oyster and Mussel Fishery in the Menai Straits, in the counties of Anglesea and Caernarvon.*

10

Undertakers.

1. The Anglo-American Oyster Company (Limited), of 33, Abchurch Lane, London, (in this Order called the Company,) shall be the Undertakers of the fishery mentioned in this Order.

Limits of fishery.

2. The following are the Company's fishery grounds under this Order (as shown on plans deposited with the Board of Trade); namely, all that part of 15 the bed of the Menai Straits, in the counties of Anglesea and Caernarvon, containing an area of 180 acres, or thereabouts, and bounded as follows; that is to say,

On the north-east by an imaginary straight line drawn from the westernmost spit of Lavan Sands to the red buoy on the opposite side of the strait; 20 on the south-west by a similar line drawn from the landing stage of the ferry at Bangor Point to the landing stage of the ferry at Garth Point, and on the north-west and south-east by the line of low-water mark of ordinary spring tides, except opposite the River Ogwen, at which point the boundary shall be an imaginary straight line drawn across the 25 mouth of the said river from the spit on Lavan Sands above mentioned, in a south-westerly direction, to low-water mark of ordinary spring tides on the opposite side of the river.

Right to several fishery.

3. This Order confers on the Company a right of several oyster and mussel fishery within the limits above mentioned, but shall not interfere in any manner 30 with any persons using seine, tuck, or other nets, who do not fish for and take oysters or mussels.

Marking of limits and notice thereof.

4. The limits of the said several fishery are marked out on the said plan deposited at the Board of Trade, and shall be further marked or buoyed out as the Board of Trade may from time to time direct. If buoys are used to mark the limits, 35 the Company shall at their own expense provide and maintain the buoys, of

[37 VICT.] *Oyster and Mussel Fisheries Orders Confirmation.* 3

- such size, shape, and colour as the Corporation of Trinity House of Deptford Strond may from time to time direct. Notice of the said limits and the mode of marking them may be given to fishermen, dredgers, and other persons, as follows; that is to say, by advertisements in the local newspapers, and by  
5 handbills posted in and about the neighbourhood. In the event of the marks or buoys mentioned above being obliterated or removed by storm or otherwise, they shall be replaced by the Company.
5. No buildings, erections, embankments, or other works, other than the marks mentioned in Article 4. of this Order, shall at any time be commenced or  
10 executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.
6. The Company shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters and mussels sold by the Company, in such form and at such times as the Board of Trade may  
15 require; and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.
7. This Order shall continue in operation for sixty years from its confirma-  
20 tion by Act of Parliament, and no longer.
8. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."
9. This Order shall not be taken to prejudice, take away, or affect such legal  
25 rights (if any) as the Corporation of Beaumaris may have in the fishery, or in that part of the soil thereof which is above the line of low-water mark of extraordinary spring tides.
10. This Order may be cited as "The Menai Straits Fishery Order, 1874."

A.D. 1874.  
Menai Straits.

Works not to be commenced without assent of Board of Trade.

Company to give accounts of capital, receipts, and expenditure of oysters and mussels sold.

Duration of Order.

Saving rights under Crown Lands Act, 1866.

Saving rights (if any) of Beaumaris Corporation.

Short title.

PAGLESHAM.

*Paglesham.*

30 *Order for the Establishment and Maintenance by John Smith, of Burnham, Essex, Oyster Merchant, of a Several Oyster and Mussel Fishery at Paglesham in the river Roach, in the county of Essex.*

1. John Smith, of Burnham in the county of Essex, oyster merchant, his  
35 executors, administrators, and assigns, (in this Order called the Undertakers,) shall be the Undertakers of the fishery mentioned in this Order.
2. The following are the fishery grounds under this Order (as shown on a plan deposited at the Board of Trade, and marked "Paglesham Fishery Order, 1874"); namely, all those parts of the foreshore and bed of the river Roach  
40 adjacent to the parish of Paglesham in the county of Essex, containing an area

Undertakers.

Limits of fishery.

#### 4 *Oyster and Mussel Fisheries Orders Confirmation.* [37 VICT.]

A.D.1874. Paglesham.	of three acres three roods twenty-nine poles or thereabouts, and bounded as follows; (that is to say,) on the north by the foreshore at low-water mark, ordinary neap tides; on the east by an oyster-bed belonging or reputed to belong to Mr. Frederic Wiseman; on the south by an oyster-bed belonging or reputed to belong to the executors of the late Mrs. Wiseman; and on the west by an oyster-bed belonging or reputed to belong to Mrs. Sainsbury; all of which boundaries are shown on the plan aforesaid.	5
Right to several fishery.	3. This Order confers on the Undertakers a right of a several oyster or mussel fishery within the limits above mentioned.	
Marking of limits and notice thereof.	4. The limits of the said several fishery are marked out on the said plan deposited at the Board of Trade, and shall be further marked or buoyed out as the Board of Trade may from time to time direct. If buoys are used to mark the limits, the Undertakers shall, at their own expense, provide and maintain the buoys, of such size, shape, and colour as the Corporation of Trinity House of Deptford Strond may from time to time direct. Notice of the said limits, and the mode of marking them, may be given to fishermen, dredgers, and other persons, as follows; (that is to say,) by advertisements in the local newspapers, and by handbills posted in and about the neighbourhood.	10 15 20
Works not to be commenced without assent of Board of Trade.	In the event of the marks or buoys mentioned above being obliterated or removed by storm or otherwise, they shall be replaced by the Undertakers. 5. No buildings, erections, embankments, or other works, other than the marks mentioned in Article 4. of this Order, shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.	25
Undertakers to render accounts, &c.	6. The Undertakers shall render to the Board of Trade such accounts of capital, expenditure, and income of all oysters and mussels sold by them, in such form and at such times as the Board of Trade may require; and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.	30
Duration of Order.	7. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament.	35
Saving rights under Crown Lands Act, 1866.	8. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."	
Short title.	9. This Order may be cited as "The Paglesham Fishery Order, 1874."	





# Oyster and Mussel Fisheries Orders Confirmation. [H.L.]

---

A

## B I L L

INTITULED

An Act to confirm certain Orders made  
by the Board of Trade under The Sea  
Fisheries Act, 1868, relating to Menai  
Straits and Paglesham.

*(Brought from the Lords 22 May 1874.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
2 June 1874.*

---

---

[Bill 129.]

*Under 1 oz.*

A  
B I L L

TO

Extend the Hours of Polling at Parliamentary Elections. A.D. 1874.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

- 5 1. That at every parliamentary election the poll, if a poll be demanded, shall be taken between the hours of 8 a.m. and 8 p.m., and shall remain open during the whole of such period.
- Poll at parliamentary elections to be open between 8 a.m. and 8 p.m.





# Parliamentary Elections (Polling).

---

A

## B I L L

To extend the Hours of Polling at  
Parliamentary Elections.

(Prepared and brought in by  
Sir Charles Dilke, Mr. Anderson, Mr. Burt,  
Mr. Macdonald, and Mr. Norwood.)

---

---

*Ordered, by The House of Commons, to be Printed,  
20 March 1874.*

---

---

[Bill 21.]

*Under 1 cc.*

# Parliamentary Elections (Returning Officers) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

---

## ARRANGEMENT OF CLAUSES.

---

### Clauses.

1. Construction of Act.
2. Payments to returning officers.
3. Returning officer may require deposit or security.
4. The accounts of a returning officer may be taxed.
5. Taxation in Scotland.
6. Claims against a returning officer.
7. Use of ballot boxes, &c. provided for municipal elections.
8. Notices to be given by returning officers.
9. Saving of the universities.
10. Commencement and duration of Act.
11. Short title.

### SCHEDULES.

---

[Bill 204.]

A



A  
B I L L

TO

Regulate the Expenses and to control the Charges of A.D. 1874.  
Returning Officers at Parliamentary Elections.

**W**HEREAS it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections :

Be it enacted by the Queen's most Excellent Majesty, by and  
5 with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. The Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act. Construction  
of Act.

10 This Act shall apply only to parliamentary elections.

2. The returning officer at an election shall be entitled to his reasonable charges, not exceeding the sums mentioned in the first schedule to this Act, in respect of services and expenses of the several kinds mentioned in the said schedule, which have been  
15 properly rendered or incurred by him for the purposes of the election. Payments to  
returning  
officers.

The amount of such charges shall be paid by the candidates at the election in equal several shares, or where there is only one candidate, by such candidate. If a candidate is nominated without  
20 his consent, the persons by whom his nomination is subscribed shall be jointly and severally liable for the share of the charges for which he would be liable if he were nominated with his consent.

A returning officer shall not, unless by agreement in writing signed by the party to be charged, be entitled to payment for any  
25 other services or expenses, or at any greater rates than as in the said schedule mentioned, any law or usage to the contrary notwithstanding.

In the event of any such agreement being made, the particulars thereof, and the amounts by which the sum allowed by this Act for

[Bill 68.]

A



2 *Parliamentary Elections (Returning Officers).* [37 & 38 VICT.]

A.D. 1874. The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the third schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows, viz.,—

- (1.) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security : 10
- (2.) Within one hour after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him : 15
- (3.) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872 :
- (4.) A tender of security in respect of a candidate may be made by any person : 20
- (5.) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or borough for which the election is held, or, with the consent of the returning officer, in any other manner :
- (6.) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made. 25

The accounts  
of a return-  
ing officer  
may be taxed.

4. Within twenty-one days after the day on which the return is made of the persons elected at the election, the returning officer shall transmit to every candidate or other person from whom he claims payment either out of any deposit or otherwise of any charges in respect of the election, or to the agent for election expenses of any such candidate, a detailed account showing the amounts of all the charges claimed by the returning officer in respect of the election, and the share thereof which he claims from the person to whom the account is transmitted. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the person from whom payment is claimed, or any agent of such person, to inspect and take copies of the vouchers. 30 35 40

The returning officer shall not be entitled to any charges which are not duly included in his account. A.D. 1874.

If the person from whom payment is claimed objects to any part of the claim, he may, at any time within fourteen days from the time when the account is transmitted to him, apply to the court as defined in this section for a taxation of the account and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs at the discretion of the court.

The court for the purposes of this section shall be, in the city of London, the Lord Mayor's Court, and elsewhere in England, the County Court in Ireland, the Civil Bill Court, having jurisdiction at the place of nomination for the election to which the proceedings relate.

The court may depute any of its powers or duties under this Act to the registrar or other principal officer of the court.

Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses.

5. In Scotland the court for the purposes of this Act relating to the taxation and examination of accounts and claims shall be the Sheriff Court having jurisdiction at the place of nomination for the election to which the proceedings relate, but the taxation and examination shall be performed by a person to be appointed from time to time by a judge of the Court of Session; and such person shall, for the purposes of this section, have all the same powers as if he were the judge of the Sheriff Court, and his determination shall have effect and be enforced accordingly. Taxation in Scotland.

Regulations for the appointment of persons as aforesaid, and for prescribing the manner in which their duties are to be performed, and for fixing their remuneration, may from time to time be made, varied, and revoked by a majority of the judges of the Court of Session. The remuneration payable to any such person shall be deemed to be part of the costs of the taxation and examination, and shall be borne by such of the parties or claimants as he directs, subject to any regulations to be made as aforesaid.

6. Every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election, except for publication of accounts of

Claims  
against a  
returning  
officer.

4 *Parliamentary Elections (Returning Officers)*. [37 & 38 VICT.]

A.D. 1874.

election expenses, shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars. 5

Where application is made for taxation of the accounts of a returning officer, he may apply to the court to examine any claim transmitted to him by any person in pursuance of this section, and the court after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or disallow, or reduce 10 the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.

Use of ballot boxes, &c. provided for municipal elections.

7. In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and 15 compartments provided for municipal elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

Notices to be given by returning officers.

8. There shall be added to every notice of election to be published under the provisions of the Ballot Act, 1872, the notification con- 20 tained in the Second Schedule to this Act with respect to claims against returning officers.

Saving of the universities.

9. Nothing in this Act shall apply to an election for any university or combination of universities.

Commencement and duration of Act.

10. This Act shall come into operation on the first day of October 25 one thousand eight hundred and seventy-four, and continue in force until the thirty-first day of December one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine.

Short title.

11. This Act may be cited for all purposes as the "Parliamentary 30 Elections (Returning Officers) Act, 1874."

A.D. 1874.

## SCHEDULES.

### FIRST SCHEDULE.

#### CHARGES OF RETURNING OFFICERS.

The following are the maximum charges to be made by the  
 5 returning officer, but the charges are in no case to exceed the sums  
 actually and necessarily paid or payable.

#### PART I.—COUNTIES AND DISTRICT OR CONTRIBUTORY BOROUGHES.

*This Part of this Schedule applies to an election for a county, or for  
 either of the boroughs of Aylesbury, Cricklade, Monmouth, East  
 10 Retford, and New Shoreham, or for any borough or burgh  
 consisting of a combination of separate boroughs, burghs, or  
 towns.*

		£	s.	d.	
	For preparing and publishing the notice of election	2	2	0	
15	For preparing and supplying the nomination papers	1	1	0	
	For travelling to and from the place of nomination, or of declaring the poll at a contested election, per mile.	0	1	0	
20	For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.				The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.
25	For constructing a polling station with its fittings and compartments.	7	7	0	
	For each ballot box required to be purchased -	1	1	0	
	For the use of each ballot box, when hired -	0	5	0	
	For stationery at each polling station -	0	10	0	
30	For printing and providing ballot papers, per thousand	1	10	0	
	For each stamping instrument -	0	10	0	
	For copies of the register -				The sums payable by statute for the necessary copies.
35	For each presiding officer -	3	3	0	

[204.]

A 4

6 *Parliamentary Elections (Returning Officers.)* [37 & 38 VICT.]

A.D. 1874.

	£	s.	d.	
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1	1	0	
For an additional clerk at a polling station for every number of 500 voters or fraction thereof beyond the first 500 assigned to such polling station.	1	1	0	5
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1	1	0	
For making the return to the clerk of the Crown -				10
For the preparation and publication of notices (other than the notice of election).	1	1	0	
	Not exceeding for the whole of such notices 20 <i>l.</i> , and 1 <i>l.</i> for every additional 1,000 electors above 3,000.			15
For conveyance of ballot boxes from the polling stations to the place where the ballot papers are to be counted, per mile.	0	1	0	
For professional and other assistance in and about the conduct of the election.	In a contested election not exceeding 25 <i>l.</i> , and an additional 3 <i>l.</i> for every 1,000 registered electors or fraction thereof above 3,000 and up to 10,000, and 2 <i>l.</i> for every 1,000 or fraction thereof above 10,000			20
	In an uncontested election, one-fifth of the above sums.			25
For travelling expenses of presiding officers and clerks, per mile.	0	1	0	
For services and expenses in relation to receiving and publishing accounts of election expenses in respect of each candidate.	2	2	0	35
For all other expenses - - - -	In a contested election, not exceeding 10 <i>l.</i> , and an additional 1 <i>l.</i> for every 1,000 electors or fraction thereof above 1,000. In an uncontested election, nil.			40

NOTE.— *Travelling expenses are not to be allowed in the case of any person unless for distances exceeding two miles from the place at which he resides.* 45

A.D. 1874.

PART II.—BOROUGHES.

*This Part of the Schedule applies to all boroughs not included in Part I. of this Schedule.*

	£	s.	d.	
5 For preparing and publishing the notice of election	2	2	0	
For preparing and supplying the nomination papers	1	1	0	
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.				The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.
10 For constructing a polling station, with its fittings and compartments, not exceeding two in number.	7	7	0	
15 For each compartment required to be constructed, when more than two be used.	1	1	0	
For the use of each compartment hired, when more than two are used.	0	5	0	
For each ballot box required to be purchased -	1	1	0	
20 For the use of each ballot box when hired - -	0	5	0	
For stationery at each polling station - -	0	10	0	
For printing and providing ballot papers, per thousand.	1	10	0	
For each stamping instrument - - -	0	10	0	
25 For copies of the register - - -				The sums payable by Statute for the necessary copies.
For each presiding officer - - -	3	3	0	
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1	1	0	
30 For an additional clerk at a polling station for every number of 500 voters, or fraction thereof, beyond the first 500 assigned to such station.	1	1	0	
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1	1	0	
35 For making the return to the clerk of the Crown -	1	1	0	
For the preparation and publication of notices (other than the notice of election).				Not exceeding for the whole of such notices 10 <i>l.</i> , and 1 <i>l.</i> for every additional 1,000 electors above 1,000.
40				

8 *Parliamentary Elections (Returning Officers).* [37 & 38 VICT.]

A.D. 1874.

	£ s. d.
For professional and other assistance in and about the conduct of the election.	In a contested election, not exceeding 20 <i>l.</i> , an additional 2 <i>l.</i> for every 1,000 registered electors or fraction thereof above 1,000 and up to 10,000, and 1 <i>l.</i> additional for every 1,000 or fraction thereof above 10,000. In an uncontested election one-fifth of the above sum.
	5
For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.	10
For all other expenses - - - -	1 1 0
	15
	Not exceeding 10 <i>l.</i> , and an additional 1 <i>l.</i> for every 1,000 electors above the first 1,000.
	20

NOTE to PARTS I. and II. of SCHEDULE I.

*The above sums are the aggregate charges, the amount of which is to be apportioned among the several candidates or other persons liable for the same.*

SECOND SCHEDULE.

1. NOTIFICATION to be added to the NOTICE of ELECTION. 25

Take notice, that by the Parliamentary Elections (Returning Officers) Act, 1874, it is provided that every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purposes of an election (except for publications of account of election expenses), shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars. 30

A.D. 1874.

### THIRD SCHEDULE.

MAXIMUM Amount of SECURITY which may be required by a RETURNING OFFICER.

5		County or District of Contributory Borough.	Borough.
		£	£
10	Where the registered electors do not exceed 1,000 -	150	100
	Where the registered electors exceed 1,000 but do not exceed 2,000.	200	150
	Where the registered electors exceed 2,000 but do not exceed 4,000.	275	200
20	Where the registered electors exceed 4,000 but do not exceed 7,000.	400	300
	Where the registered electors exceed 7,000 but do not exceed 10,000.	550	450
	Where the registered electors exceed 10,000 but do not exceed 15,000.	700	600
25	Where the registered electors exceed 15,000 but do not exceed 20,000.	800	750
	Where the registered electors exceed 20,000 but do not exceed 30,000.	1,000	900
	Where the registered electors exceed 30,000 -	1,200	1,200

30 If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one fifth of the maximum according to the above scale.



# Parliamentary Elections (Returning Officers).

---

A

## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To regulate the Expenses and to control  
the Charges of Returning Officers at  
Parliamentary Elections.

*(Prepared and brought in by  
Sir Henry James and Sir William Harcourt.)*

---

*Ordered, by The House of Commons, to be Printed,  
13 July 1874.*

---

[Bill 204.]

*Under 2 oz.*

# Permissive Prohibitory Liquor Bill.

---

## ARRANGEMENT OF CLAUSES.

---

### Clause.

1. Adoption of this Act. On requisition of ratepayers, notice of time of voting to be given.
2. Qualification of voters.
3. Mode of voting.
4. Collection of votes.
5. Examination of votes, and declaration of result. Two thirds majority required.
6. Penalties for fabricating voting papers.
7. Notice of the adoption of Act, and its immediate operation.
8. After vote against the adoption of the Act, one year to intervene before another vote be taken.
9. Ratepayers to have power to reconsider the adoption of this Act.
10. Prohibition of common sale.
11. Interpretation clause.

### SCHEDULE.

---



A

## B I L L

TO

Enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts. A.D. 1874.

**W**HEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented :

And whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit such common sale as aforesaid :

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. At any time from and after the *passing of this Act* it shall be lawful for or more ratepayers residing in any municipal borough or parish, by notice in writing under their hands, to require the mayor of such municipal borough or the overseers of the poor of such parish to take the votes of the ratepayers of such municipal borough or parish respectively as to the propriety of bringing into operation therein the provisions of this Act ; and the mayor or overseers as aforesaid, within days of receiving such requisition, shall cause a public notice to be affixed on or near to the town hall of such borough, and on or near to the outer and principal door of every church or chapel within such borough or parish, and shall also cause notice to be inserted in some newspaper published in such borough or parish, or, if there be none so published, in some newspaper published in the county in which such borough or parish is situate, specifying on what day, not earlier than days after the publication

Adoption of this Act.

On requisition of ratepayers, notice of time of voting to be given.

[Bill 9.]

A 2

A.D. 1874. of the said notices, the ratepayers of such borough or parish are required to signify their votes for or against the adoption of this Act.

Qualifica-  
tion of  
voters.

2. Every person who is rated to the relief of the poor or entitled to vote in the election of guardians of the poor for the borough or 5 parish in which the votes are to be taken shall be entitled to one vote for or against the adoption of this Act.

Mode of  
voting.

3. The mayor of such borough or the overseers of such parish shall cause voting papers, in the form contained in the schedule (A.) to this Act annexed, to be prepared, and shall, *three days* 10 before the day appointed for voting as aforesaid, cause one of such papers to be delivered at the residence of each person entitled to vote as aforesaid; and each voter shall upon the voting paper so delivered signify by writing the word yes or no upon the said paper, and by signing his name thereto, whether he votes for or against 15 the adoption of this Act; provided always, that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness, who shall fill up the voting paper in the presence of the voter, and shall attest and write the name of the voter upon the same. 20

Collection  
of votes.

4. The mayor of such borough or the overseers of such parish shall cause the voting papers to be collected on the day appointed for the voting as aforesaid by persons employed by them for the purpose, as he or they shall direct; but no voting paper shall be received or admitted unless the same have been delivered at the 25 residence of the voter as aforesaid, nor unless the same be collected by the persons so employed for that purpose; provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application, on or before the day of voting, to the said mayor or overseers, be entitled to receive a 30 voting paper, and to fill up and sign the same in his or their presence, and then and there deliver the same to him or them: Provided also, that in case any voting paper duly delivered shall not have been duly collected through the default of the said persons so employed to collect the same, the voter in person may deliver 35 the same to the said mayor or overseers before twelve at noon on the day following the day of voting.

Examina-  
tion of votes,  
and declara-  
tion of re-  
sult.

5. The mayor of such borough or the overseers of such parish shall, after twelve at noon on the day immediately following the day of voting, examine the said votes, and shall declare as here- 40 after mentioned whether a majority of duly qualified votes has been given in favour of the adoption of this Act, and the adoption or

non-adoption of this Act within such borough or parish shall depend on such majority of votes; provided always, that this Act shall not be adopted within such borough or parish unless at least *two thirds* of the aggregate number of votes so given as aforesaid be in favour thereof.

A.D. 1874.

Two thirds majority required.

6. If any person fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote in pursuance of this Act, or falsely assumes to act in the name or on behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under false pretences of being lawfully authorised so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding *three months*, with or without hard labour.

Penalties for fabricating voting papers.

7. The mayor of such borough or the overseers of such parish shall, if this Act be adopted as aforesaid, immediately give notice thereof by affixing the same on or near to the town hall in such borough, and to the outer and principal doors of every church and chapel in such borough or parish, and shall immediately give notice thereof to Her Majesty's Principal Secretary of State for the Home Department, and to the Chairman of the Board of Inland Revenue, and deliver to the clerk to the justices acting in and for such borough, or for the district or division in which such borough or parish is situated, a certificate in writing of the adoption of the Act, to be by the said clerk recorded and preserved, which certificate, or a copy thereof, certified by the said clerk of the justices, shall be conclusive evidence in any proceedings under or by virtue of this Act that this Act was duly adopted within the said borough or parish.

Notice of the adoption of Act, and its immediate operation.

8. If the ratepayers of any such borough or parish shall determine in manner aforesaid against the adoption of this Act, it shall not be lawful, within *one year* after such determination, again to take the votes of the ratepayers of such borough or parish as to the propriety of bringing into operation therein the provisions of the said Act.

After vote against the adoption of the Act, one year to intervene before another vote be taken.

9. If the ratepayers of such borough or parish shall determine in manner aforesaid in favour of the adoption of this Act, it shall be lawful, after the expiration of *three years* from the commencement of this Act coming into operation, for any ratepayers of such borough or parish again to call upon the mayor of the borough or the overseers of the poor of the parish again to take the votes of the ratepayers of the borough or parish, in like manner as herein-before provided for the adoption of this Act, and

Ratepayers to have power to reconsider the adoption of this Act.

A.D. 1974; the continuance or otherwise of the operation of this Act within such borough or parish shall be determined by a majority of the votes so given.

Prohibition  
of common  
sale.

10. From and after the time limited for the commencement of this Act in any borough or parish, as herein-before provided, no 5 license whatever shall be granted or renewed for the sale of alcoholic liquor within such borough or parish; and any person selling or disposing of any alcoholic liquor within such borough or parish shall be dealt with as selling without license, and shall be subject to all the penalties provided for such offence under any Act or Acts 10 of Parliament regulating the sale of alcoholic liquors which may be in force at the time of the adoption of this Act; provided nevertheless, that nothing herein contained shall affect any rights or privilege conferred or enjoyed by virtue of any license current or in force at the commencement of this Act during its said currency, 15 and that nothing herein contained shall be held to affect any sales made under the provisions of any statute permitting the sale of methylated spirits for use in the arts and manufactures of the United Kingdom.

Interpreta-  
tion clause.

11. In the construction of this Act the following words and 20 expressions shall have the following meanings assigned to them respectively: "municipal borough" shall mean city, borough, burgh, or any corporate town; "parish" shall mean any parish, township, village, tithing, extra-parochial place, or place main- 25 taining its own poor; "mayor" shall mean also provost, high constable, high bailiff, baron bailie, or other chief officer of any city or borough; "overseers of the poor" shall mean any persons authorised and required to make and collect the rates for the relief of the poor, and acting as overseers of the poor; "alcoholic liquor" shall include all spirituous liquors, wine, ale, beer, cyder, perry, 30 and every description of intoxicating liquors.





# Permissive Prohibitory Liquor.

---

A

## B I L L

To enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts.

*(Prepared and brought in by  
Sir Wilfrid Lawson, Sir Thomas Bazley,  
Mr. Downing, Mr. Richard, Mr. Dalway,  
Dr. Charles Cameron, and Mr. William Johnston.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
20 March 1874.*

---

---

[Bill 9.]

*Under 1 oz*

A  
B I L L

TO

Render Personation, with intent to deprive any Person of A.D. 1874.  
Real Estate or other property, Felony.

**W**HEREAS it is expedient to amend the law relating to personation :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. If any person shall falsely and deceitfully personate any person, or the heir, executor, or administrator, wife, widow, next of kin, or relation of any person, with intent fraudulently to obtain  
10 any land, estate, chattel, money, valuable security, or property, he shall be guilty of felony, and upon conviction, shall be liable, at the discretion of the court by which he is convicted, to be kept in penal servitude for *life*, or any period not less than *five years*, or to be imprisoned for any term not exceeding *two years*, with  
15 or without hard labour, and with or without solitary confinement.

Personation in order to obtain property to be felony.

2. Nothing in this Act shall prevent any person from being proceeded against and punished under any other Act, or at common law, in respect of an offence (if any) punishable as well under this Act as under any other Act, or at common law.

Saving.

20 3. No offence against this Act shall be prosecuted or tried at any court of general or quarter sessions of the peace.

Offences against this Act not to be tried at general or quarter sessions.

4. This Act may be cited for all purposes as the False Personation Act, 1874.

Short title.

[Bill 146.]





# Personation.

A

## B I L L

To render Personation, with intent to deprive any Person of Real Estate or other property, Felony.

(*Prepared and brought in by  
Mr. George Clive and Sir Charles Forster.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
10 June 1874.*

---

---

[Bill 146.]  
*Under 1 oz.*

# Petty Sessions Courts (Ireland) Bill.

---

## ARRANGEMENT OF CLAUSES.

---

### Clauses.

1. Election of union justices.
  2. Mode of election.
  3. Persons entitled to vote.
  4. Person elected to be justice of the peace.
  5. To be approved of by Lord Chancellor.
  6. New election if Lord Chancellor disapproves.
  7. Justice to hold office for five years, and to be removeable by Lord Chancellor.
  8. Vacancies to be filled by new election.
  9. Powers of Lord Chancellor may be exercised by persons having custody of Great Seal.
  10. Election expenses to be paid out of rates of union.
  11. Short title of Act.
-



A

## B I L L

FOR

The better Administration of Justice at Petty Sessions Courts A.D. 1874.  
in Ireland.

**W**HEREAS it is expedient to make further provision for Preamble.  
the participation of elected magistrates in the administration of justice in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,  
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. On the *first day of November* next the ratepayers of each Election of union justices.  
and every poor law union in Ireland shall elect, in manner herein-  
10 after mentioned, a fit and proper person to fill the office of union justice for the same union.

2. The election shall be ballot, and shall be held by the chairman, Mode of election.  
or in his absence the vice-chairman of the board of guardians, or in the absence of both, by such other person as the board of guar-  
15 dians may appoint; it shall take place in the board room or some other room of the building in which the board of guardians usually meet, and all the provisions of the Ballot Act relating to municipal elections shall apply to elections under this Act.

3. The persons entitled to vote at such election shall be the Persons entitled to vote.  
20 same persons as those entitled to vote at the election of poor law guardians in the several electoral districts.

4. The person so elected to be union justice, upon being approved Person elected to be justice of the peace.  
of as herein-after mentioned, and upon taking the oaths required by law, shall have and exercise all the powers and privileges of a  
25 justice of the peace for each and every county in which any part of the union for which he is elected is situated.

5. Immediately after the election the person acting as returning To be approved of by Lord Chancellor.  
officer shall transmit to the Lord Chancellor of Ireland the name of the person so elected, and if the Lord Chancellor shall approve of

[Bill 87.]

A



A.D. 1874. him he shall cause the usual authority to be given for the administration of the oaths required by law to be taken by justices of the peace.

New election if Lord Chancellor disapproves.

6. It shall be lawful for the Lord Chancellor, within one month after the name is transmitted to him, to disapprove of such election, 5 and to notify such disapproval to the chairman of the board of guardians, and thereupon the chairman, or in his absence the vice-chairman, or in the absence of both some other person appointed by the board of guardians shall, within one fortnight, proceed to hold a new election, giving one week's notice of same, and the 10 ratepayers shall then proceed in manner before mentioned to elect some other person to be submitted in like manner to the Lord Chancellor, and all the provisions herein enacted relating to the first election and the person elected shall apply to any subsequent election. 15

Justice to hold office for five years, and to be removeable by Lord Chancellor.

7. The person so elected shall continue to hold office for five years and no longer, and so long as he continues to hold such office his name shall be included in every commission of the peace to be issued for the county in which he is entitled to act as justice: Provided always, that it shall be lawful for the Lord Chancellor to 20 remove such person from the commission of the peace in the same manner to all intents and purposes as any other justice may be removed, and upon such removal his office of union justice shall be deemed to be vacant.

Vacancies to be filled by new election.

8. Whenever a vacancy shall take place in the office of union 25 justice by the death, incapacity, resignation, or removal of such union justice, or by the efflux of time, the chairman, or in his absence the vice-chairman of the board of guardians shall, within one month after such vacancy, proceed to hold a new election of a person to fill such office, giving one week's notice of same, and 30 every such election and the person elected thereat shall be subject in all respects to the same rules, regulations, and provisions as are herein-before enacted with reference to the first election under this Act.

Powers of Lord Chancellor may be exercised by persons having custody of Great Seal.

9. All the powers and duties conferred herein upon the Lord 35 Chancellor of Ireland shall and may be exercised by the Lord Keeper, Lords Commissioners, or other person or persons having at any time the custody of the Great Seal.

Election expenses to be paid out of rates of union.

10. The expenses incurred by the returning officer in carrying out any election under this Act shall be defrayed by the board of 40 guardians out of the rates of the union at large.

Short title of Act.

11. This Act may for all purposes be cited as the Union Justices (Ireland) Act, 1874.



# **Petty Sessions Courts (Ireland).**

---

A

## **B I L L**

For the better Administration of Justice  
at Petty Sessions Courts in Ireland.

*(Prepared and brought in by  
Mr. O'Sullivan, Mr. French, Mr. Ronayne,  
Captain Nolan, and Mr. Power.)*

---

*Ordered, by The House of Commons, to be Printed,  
4 May 1874.*

---

[Bill 87.]

*Under 1 oz.*

A  
B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray, Buckie (Cluny), Carlingford Lough, Cattewater, Eyemouth, Great Yarmouth, Kinsale, Lybster, Sandown, Sidmouth, Tees, and Yarmouth (Isle of Wight). A.D. 1874.

**W**HEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament : 24 & 25 Vict.  
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule  
15 shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

2. Nothing contained in this Act or in the Cattewater Harbour Order hereby confirmed shall abridge, prejudice, take away, or affect any right, power, authority, or privilege vested in, exercised, or  
20 enjoyed by the Secretary of State for War, or the War Department, or any of its officers, in, on, or over Hooe Lake, or without the assent in writing of the Secretary of State for War in, on, or over any lands required for the purposes of the works authorised by the said Order. Saving rights, &c. of War Department in Hooe Lake, &c.

25 3. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1874. Short title.

[Bill 169.]

A

A.D. 1874.

### The SCHEDULE OF ORDERS.

---

1. BRAY.—Construction of pier.
  2. BUCKIE (Cluny).—Construction of harbour and piers.
  3. CARLINGFORD LOUGH.—Amendment of former Orders.
  4. CATTEWATER.—Construction of harbour and pier. 5
  5. EYEMOUTH.—Amendment of local Act.
  6. GREAT YARMOUTH.—Construction of harbour works and amendment of local Act.
  7. KINSALE.—Amendment of former Order.
  8. LYBSTER.—Power to levy rates in existing harbour. 10
  9. SANDOWN.—Construction of pier.
  10. SIDMOUTH.—Construction of piers and landing-places.
  11. TEES.—Extension of time for construction of works already authorised by Parliament.
  12. YARMOUTH (Isle of Wight).—Construction of pier. 15
- 

*Bray.***BRAY.**

*Order for the construction, maintenance, and regulation of a Pier  
at Bray, in the County of Wicklow.*

- |                                     |  |
|-------------------------------------|--|
| Undertakers.                        | 1. The Bray Marine Iron Jetty Company (Limited), in this Order called "the Company," shall be the Undertakers of the works authorised by this Order. 20  |
| Incorporation of Lands Clauses Act. | 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, shall be incorporated with this Order.  |
| Power to take lands by agreement.   | 3. For the purposes of the works authorised by this Order, the Company 25 may from time to time by agreement enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith. |
| Lands for extraordinary purposes.   | 4. The Company may purchase and hold, for extraordinary purposes, any 30 land not exceeding in extent in the whole five acres.   |
| Power to make works.                | 5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time   |

before the completion of the works in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on these plans, make and maintain the pier and works authorised by this Order.

A.D. 1874.  
Bray.

6. The works authorised by this Order comprise the following :—  
A pier at Bray, in the county of Wicklow, with a landing-place and all necessary works and conveniences suitable for the embarking and landing of passengers and their luggage, and for other purposes, commencing at or near a point on the foreshore distant seven chains or thereabouts eastward from the eastern rail of the level crossing of the Dublin and Wicklow Railway at the Bray station of the said railway, in the township of Bray, parish of Bray, and county of Wicklow, and extending seaward in an easterly direction for a distance of 1,000 feet or thereabouts.
7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works, demand and receive in respect of the persons and things in the schedule to this Order specified any sums not exceeding the rates in that schedule mentioned.
8. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid up capital of the Company, on the average of the then three last preceding years, exceed the rate of ten pounds per cent. per annum on such paid up capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the said rates shall thereupon be reduced accordingly, with power to the Board of Trade at any time and from time to time, if and when the profits fall below the said rate of ten per cent. per annum, to authorise the Company to raise the rates again to not exceeding the amounts specified in the schedule to this Order.
9. The Company within one month after sending to the clerk of the peace the copy of their annual account, in abstract, shall send a copy of the same to the Board of Trade. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account.
10. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Description  
of works  
authorised.

Power to take  
rates according  
to schedule  
to this Order.

Board of Trade  
may reduce  
rates.

Annual ac-  
count to be  
sent to Board  
of Trade.

Certain fishing  
vessels under  
stress of  
weather ex-  
empt from  
rates.

- A.D. 1874. 11. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier, on such terms and for such a period not exceeding one year as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act. 5
- Bray.  
Company may contract with persons for the use of the pier.
- Custom House officers exempt from rates. 12. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land and with their vessels and otherwise without payment.
- Steam engines, diving bells, lighters, &c. 13. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, mcorings, dredging machines, and other machinery, vessels, and things as they think necessary for effecting any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable. 15
- Lights to be exhibited. 14. The Company shall, at the outer extremity of the pier and works authorised by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Commissioners of Irish Lights. 20
- Parts of Harbours, &c., Act, 1847, excepted. 15. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections sixteen to nineteen inclusive, twenty-one to twenty-four inclusive, twenty-seven, thirty-four to forty-six inclusive, forty-eight, forty-nine, and sixty-six to sixty-eight inclusive. 25
- Restriction on use of pier. 16. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers. 30
- Pier to be deemed within parish of Bray and county of Wicklow. 17. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the parish of Bray, and within the jurisdiction of the justices acting in or for the county of Wicklow. 35
- Powers to cease on certain events. 18. In the following cases, (that is to say,) (1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this order should not be substantially commenced; or 40 (2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works 45

as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade. A.D. 1874.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate. *Bray.*

19. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained. *Saving rights under Crown Lands Act, 1866.*

20. This Order shall not operate to take away or abridge such right, title, or interest (if any) as the Right Honourable William Earl of Meath, his heirs or assigns, may have into or over the foreshore within the limits affected by this Order: Provided always, that nothing herein contained shall be held to recognise or confirm any right, title, or claims of the said Earl of Meath to the foreshore aforesaid, it being the intention of this Order that the right and title to such foreshore shall remain in the same state as if this Order had not been made. *Saving rights (if any) of Right Hon. William Earl of Meath.*

21. Except as herein-before expressly provided, this Order shall not operate to take away or abridge any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any Local or other Act of Parliament, without the consent in writing of such person under his hand, or of such corporation under their seal. *Saving for corporations, &c.*

22. The Bray Pier and Harbour Order, 1867, confirmed by the Pier and Harbour Orders Confirmation Act, 1867 (No. 2), shall be and the same Order is hereby from and after the passing of the Act confirming this Order repealed. *Repeal of previous Order as to Bray.*

23. All the costs, charges, or expenses of and incidental to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company. *Costs of Order.*

24. This Order may be cited as "The Bray Pier Order, 1874." *Short title.*

#### SCHEDULE to which the foregoing Order refers.

##### I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

		<i>s.</i>	<i>d.</i>
35	For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time any sum not exceeding - -	0	6
	For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0	3
40	For every bath or sedan chair taken on the pier, for each and every time any sum not exceeding - - - - -	0	6
	[169.]	A	3



A.D. 1874.					s.	d.
<u>Bray.</u>	For every perambulator, for each and every time any sum not exceeding	-	-	-	0	2
	For every master of any vessel, boat, or wherry, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	-	-	-	20	0
						5

II.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or package within the description of luggage, not exceeding 28 lbs.	-	-	-	0	2	
Over 28 lbs. and not exceeding 84 lbs.	-	-	-	0	4	10
Over 84 lbs. and not exceeding 112 lbs.	-	-	-	0	5	
Over 112 lbs. and not exceeding 140 lbs.	-	-	-	0	6	
Over 140 lbs. and not exceeding 196 lbs.	-	-	-	0	7	
Over 196 lbs. and not exceeding 2 cwt.	-	-	-	0	8	
And for every cwt. beyond	-	-	-	0	4	15
And for every 20 lbs. weight in addition	-	-	-	0	1	

III.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons	-	-	-	10	0
--------------------------	---	---	---	----	---

*Buckie (Cluny).*

BUCKIE (CLUNY).

*Order for the construction, maintenance, and regulation of Piers, 20  
Harbour, and Works at the fishing village of Buckie, in the  
parish of Rathven, and county of Banff.*

Undertakers.	1. John Gordon, Esquire, of Cluny, Cluny Castle, Aberdeenshire, his heirs, assignees, and successors, shall be the Undertakers for carrying this Order into execution.	25
Limits of harbour.	2. The limits within which the Undertakers shall have authority, and which shall, except where otherwise expressly provided, be deemed the limits to which this Order and the power to levy rates extends, shall comprise the piers, harbours, quays, and other works to be constructed under this Order, and also so much of the shore and waters of the sea or Moray Firth below high-water mark as lies within two hundred yards of any part of the piers or works authorised by this Order.	30
Power to construct works.	3. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plan and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Undertakers may, on the lands belonging to them, and in the lines and situation and according to the levels shown on the deposited plans and sections, so far as the same are shown thereon, and within the limits of deviation shown on those plans, make and maintain the piers, quays, roads, and works authorised by this Order.	35 40

4. The works authorised by this Order are :—

A.D. 1874.

- 1st. A quay commencing at a point two hundred and twenty feet north-east of the lifeboat house on the beach on the south-east end of the Salter's Bay, otherwise called "The Nook," and thence proceeding in a north-easterly direction four hundred and seventy-five feet or thereby in a line parallel or nearly parallel to the public road or street called Low Street :
- 2nd. A sea wall commencing at the east end of the last described quay, and measuring in a north-westerly direction two hundred feet or thereby, and thence proceeding in a westerly direction and measuring six hundred feet or thereby, in all eight hundred feet or thereby :
- 3rd. A spur wall commencing at a point about two hundred and twenty feet from the termination of the last described sea wall, and measuring in a southward direction one hundred and ten feet or thereby :
- 4th. An inner jetty commencing at the west end of the before described quay, at a point one hundred and eighty feet from the lifeboat house, measuring in a north-easterly direction, and proceeding in a northerly direction two hundred and thirty-five feet or thereby, and terminating within fifty feet or thereby of the south end or termination of the above described spur wall :
- 5th. An outer jetty commencing at a point on the beach one hundred feet or thereby from the lifeboat house, measuring in a north-westerly direction, and thence proceeding in a northerly direction four hundred and ten feet or thereby, and terminating at a point eighty feet or thereby from the west end or termination of the above described sea wall :
- 6th. The excavation of an inner harbour, being the area or part of the same enclosed between the quay, the sea wall, the spur, and the inner jetty above described, to a depth of thirteen feet or thereby below the level of high water of ordinary spring tides :
- 7th. The excavation of an outer harbour, being the area or part of the same enclosed between the inner jetty, the spur, the sea wall, and the outer jetty above described, and the beach, to a depth of thirteen feet or thereby below the level of high water of ordinary spring tides.

*Buckie (Cluny).*  
Description of  
works.

5. Subject to the provisions of this Order, the Undertakers may from time to time construct, maintain, alter, and improve the harbours, locks, gates, bridges, quays, piers, jetties, wharves, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences ; may lay down and construct rails, tramways, sidings, and turntables on and along the quays, piers, and other works of the harbours and lands connected therewith ; may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbours : Provided that no works authorised by this section below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

Power to  
maintain and  
improve  
harbour.

6. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works,

Penalty for  
obstructing  
works.

[169.]]

A 4

A.D. 1874. or defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

*Buckie (Cluny).*  
Power to levy rates.

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Undertakers may, subject and according to the provisions of this Order, for the use of the piers, harbours, and works, demand and receive in respect of vessels, boats, animals, fish, and goods described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule: Provided that no rates, tolls, or dues shall be demanded or received from any vessel or boat landing or embarking passengers or goods upon or otherwise using the foreshore or beach within the limits of this Order, unless such vessel or boat shall also use some part of the works authorised by this Order. 5 10

Board of Trade may reduce rates.

8. If at any time, and from time to time, the clear annual income derived from the piers and harbours on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the harbours, and after hearing the Undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order. 15 20 25

Rates for use of warehouses.

9. The Undertakers may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses, sheds, buildings, weighing-machines, steam or hydraulic cranes, works, and conveniences belonging to the Undertakers, for the use of which rates are not specially fixed in the schedule to this Order. 30

Undertakers may provide and license steam tugs.

10. The Undertakers may from time to time build, purchase, contract for, or hire, and may maintain, use, and let steam tugs or other power for the use and accommodation of vessels frequenting the harbours, and may also from time to time license such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as they think fit. 35

Charges for steam tugs.

11. The Undertakers may from time to time, with the approval of the Board of Trade, fix such rates or charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Undertakers, or to their lessee, or to the person with whom they may contract, or to the owner of such 40 45

steam tug or other power if licensed by the Undertakers, as the case may be ; and such rates and charges shall be due and payable, whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required and shall in consequence of a requisition

A.D. 1874.

*Buckie(Cluny).*

5 have been tendered by the master or other person having the command of such steam tug or other power.

12. The Undertakers may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, plant, or other materials as they think fit, and may from time to time demand and receive such sums for

Undertakers may provide dredges and engines.

10 the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

13. The Undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to

Annual account to be sent to Board of Trade.

15 the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds ; and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account.

20 14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the piers or harbours, and not breaking bulk while making use thereof, be exempt from

Certain fishing vessels under stress of weather exempt from rates.

25 rates leviable under this Order.

15. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the piers, harbours, and works by land, and with their vessels and otherwise, without payment.

Exemption of Customs officers.

30 16. The Undertakers may from time to time lease the rates authorised by this Order for any period not exceeding ten years, to take effect in possession at the best rent to be reasonably obtained without fine, and on such other terms and conditions as they think fit ; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering

Rates may be leased.

35 rates and dues as the Undertakers have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the same provisions as to accounts and otherwise to which the Undertakers are made subject by this Order.

17. The Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for the regulation and control of the fishermen and others, and goods and traffic, for the supply of ballast to vessels and boats, and for the deposit or removal of ballast on the quays, piers, jetties, wharves, roads, approaches, and other works authorised by this Order to be constructed ; but such byelaws shall not come into

Power to make byelaws.

45 operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

A.D. 1874.

*Buckie (Cluny).*  
Application of  
receipts.

18. The rates received under this Order shall be applied for the purposes and in the order following, and not otherwise :

1. In paying the costs of and connected with the preparation and making of this Order.
2. In paying the expenses of the maintenance, repair, improvement, manage- 5  
ment, and regulation of the piers, harbours, and works authorised by this Order.
3. The surplus revenue (if any) of the piers, harbours, and works, after pro-  
viding for the purposes aforesaid, shall belong to the Undertakers for their  
own use. 10

Portions of  
Harbours  
Clauses Act  
excepted.

Meters and  
weighers.

19. Sections 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

20. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Undertakers to  
be pilotage  
authority.

21. Within the limits of this Order the Undertakers shall be a pilotage 15  
authority and local authority within the meaning of The Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Light or lights  
to be exhibited.

22. The Undertakers shall at the outer extremity of and at other points on or within the piers, harbour, and works authorised by this Order, exhibit 20  
from sunset to sunrise such light or lights (if any), as shall from time to time be directed by the Commissioners of Northern Lighthouses.

Powers to  
cease in  
certain events.

23. In the following cases, (that is to say,)

1. If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially 25  
commenced ; or
2. If such works after having been commenced should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such 30  
works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve calendar consecutive months, shall, for the purposes of this Order be 35  
conclusive evidence of the fact stated in such certificate.

Saving rights  
under "Crown  
Lands Act,  
1866."

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, 40  
interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

Short title.

25. This Order may be cited as "The Buckie (Cluny) Harbour Order, 1874."

A.D. 1874.

*Buckie (Cluny).*

## SCHEDULE referred to in the foregoing Order.

## I. TONNAGE DUTIES.

		s.	d.
5	For all vessels to or from any port or place on the east coast of Scotland entering the harbour to load or unload - per register ton	0	4
	For all such vessels windbound or otherwise, and not loading or unloading - - - - - per register ton	0	2
	For all vessels to or from all other ports or places in Great Britain or Ireland - - - - - per register ton	0	6
10	For all such vessels windbound or otherwise, and not loading or unloading - - - - - per register ton	0	3
	For all vessels to or from foreign ports or places - do.	0	8
	For all such vessels windbound or otherwise, and not loading or unloading - - - - - per register ton	0	4
15	Each vessel shall pay:		
	For waterage money - - - - - do.	0	0½
	And for the harbour lights - - - - - each	1	0
	For vessels sailing from the harbour, and put back by stress of weather without having accomplished the voyage, no additional rates shall be charged on such return.		
20			

## II. DUTIES FOR BOATS, EXCLUSIVE OF THEIR CARGOES.

	Every boat engaged in the herring fishery, as a composition in full of tonnage duty for the period of the fishing season, payable in advance - - - - -	25	0
25	Every boat loading or discharging herrings not paying the aforesaid composition shall on each occasion of entering the harbour pay each	2	6
	And when windbound or otherwise, and not loading or unloading each	1	3
30	Other boats loading or discharging - - - - - each	3	0
	Other boats windbound or otherwise, and not loading or unloading each	1	6
	Other boats when above 15 tons register to be charged according to tonnage dues for vessels as above.		
35	Each white fishing boat, for season commencing 1st October, and payable annually in advance:		
	If manned by not less than four hands - - - - -	15	0
	If manned by less than four hands - - - - -	7	6
40	Each boat engaged in the herring fishing shall pay for the period of the fishing season two shillings and sixpence in name of waterage money, and one shilling for light money.		

[169.]

B 2

## A.D. 1874. III. RATES ON ARTICLES OF IMPORT AND EXPORT BY BOATS OR VESSELS.

		s.	d.	
<i>Buckie(Cluny).</i>				
Ale and beer of all kinds	- - - - -	per 50 gallons	1	0
Bark in bulk	- - - - -	per ton	2	6
Beef and other provisions, fresh or salted	- - - - -	per ton	3	6 5
Bones	- - - - -	per ton	1	6
Bone dust	- - - - -	per ton	1	6
Bricks	- - - - -	per 1,000	1	0
Bottles	- - - - -	per ton	2	0
Bottles (broken)	- - - - -	per ton	0	6 10
Butter	- - - - -	per cwt.	0	3
Bran	- - - - -	per ton	1	0
Candles	- - - - -	per ton	3	6
Carrots	- - - - -	per ton	1	0
Casks, empty, not being returned packages	- - - - -	per ton	3	0 15
Cattle, viz.:—				
Bulls, cows, and oxen	- - - - -	each	1	6
Calves	- - - - -	each	0	6
Horses	- - - - -	each	2	0
Pigs	- - - - -	each	0	6 20
Sheep	- - - - -	each	0	3
Lambs	- - - - -	each	0	2
Carriages, viz.:—				
With springs, under 5 cwt.	- - - - -	each	2	6
With springs, 5 cwt. and under 7½ cwt.	- - - - -	each	5	0 25
With springs, 7½ cwt. and under 10 cwt.	- - - - -	each	7	6
With springs, 10 cwt. and above	- - - - -	each	10	0
Carts and waggons without springs	- - - - -	per ton	2	6
Cheese	- - - - -	per ton	3	0
Coals	- - - - -	per ton	1	0 30
Cordage	- - - - -	per ton	5	0
Corks	- - - - -	per ton	6	6
Corn, viz.:—Barley, beans, Indian corn, malt, oats, peas,				
and rye	- - - - -	per quarter	0	3
Wheat	- - - - -	per quarter	0	4 35
Copper	- - - - -	per ton	5	0
Cinders and charcoal	- - - - -	per ton	0	9
Earthenware	- - - - -	per ton	2	6
Eggs	- - - - -	per ton	3	6
Flax	- - - - -	per ton	4	2 40
Flour	- - - - -	per sack	0	4
Fish:—				
Herring	- - - - -	per barrel	0	4
Salmon	- - - - -	per cwt.	0	6
Salted dry fish	- - - - -	per barrel	0	4 45
Salted dry fish	- - - - -	per ton	6	8
Fruit of all kinds	- - - - -	per bushel	0	3
Game of all kinds	- - - - -	per score	3	4

Groceries, viz.:—						s.	d.	A.D. 1874.
	Tea	-	-	-	-	per chest	0 4	<i>Buchie (Cluny).</i>
	Coffee	-	-	-	-	per cwt.	0 3	
	Sugar, raw	-	-	-	-	per ton	2 8	
5	Sugar, refined	-	-	-	-	per ton	3 4	
	Tobacco	-	-	-	-	per 100 lbs.	0 4½	
	Snuff	-	-	-	-	per cwt.	0 6	
	Miscellaneous	-	-	-	-	per cwt.	0 3	
	Hay	-	-	-	-	per ton	2 6	
10	Hemp	-	-	-	-	per ton	3 6	
	Hides	-	-	-	-	per cwt.	0 4	
	Hoops of wood, all of the size of puncheon hoops, and under	-	-	-	-	per cwt.	0 6	
	Hoops of wood, all above the size of puncheon hoops	-	-	-	-	per cwt.	0 6	
15	Iron hoops	-	-	-	-	per ton	3 9	
	Household furniture	-	-	-	-	per barrel bulk	0 4½	
	Husbandry utensils	-	-	-	-	per barrel bulk	0 4½	
	Iron:—Bar, bolt, rod, and plate	-	-	-	-	per ton	2 0	
	Forged	-	-	-	-	per ton	3 4	
20	Made work	-	-	-	-	per ton	5 0	
	Old iron	-	-	-	-	per ton	1 3	
	Old or broken pig iron	-	-	-	-	per ton	0 6	
	Cast-iron goods	-	-	-	-	per ton	2 6	
	Pig	-	-	-	-	per ton	1 0	
25	Wire	-	-	-	-	per cwt.	0 4	
	Kelp	-	-	-	-	per ton	1 0	
	Lead	-	-	-	-	per ton	3 0	
	Leather	-	-	-	-	per cwt.	0 3	
	Lime	-	-	-	-	per ton	0 10	
30	Manures (including guano, &c.)	-	-	-	-	per ton	1 6	
	Meal	-	-	-	-	per ton	1 6	
	Oil	-	-	-	-	per ton	3 0	
	Oilcake	-	-	-	-	per ton	3 0	
	Potatoes	-	-	-	-	per ton	1 4	
35	Peats	-	-	-	-	per ton	0 6	
	Poultry	-	-	-	-	each	0 1	
	Salt	-	-	-	-	per ton	1 0	
	Saltpetre	-	-	-	-	per ton	3 4	
	Seeds:—Flax and rape	-	-	-	-	per cwt.	0 3	
40	Clover	-	-	-	-	per cwt.	0 3	
	Garden seeds	-	-	-	-	per cwt.	0 3	
	Hemp and canary	-	-	-	-	per cwt.	0 3	
	Rye grass	-	-	-	-	per quarter	0 4½	
	Slates:—							
45	Undersize	-	-	-	-	per ton	1 3	
	Sizeable	-	-	-	-	per ton	1 6	
	Oversize	-	-	-	-	per ton	1 9	

[169.]

B 3



A.D. 1874. Stones:—							s.	d.
<i>Buckie (Cluny).</i>	Rubble	-	-	-	-	-	per ton	0 4
	Hewen ashlar	-	-	-	-	-	per ton	0 9
	Rough ashlar	-	-	-	-	-	per ton	0 9
	Large stones	-	-	-	-	-	per ton	0 4 5
	Causeway stones (dressed)	-	-	-	-	-	per ton	0 6
	Pavement	-	-	-	-	-	per ton	1 0
	Curb	-	-	-	-	-	per ton	0 6
	Gravestones	-	-	-	-	-	each	5 0
	Scythe stones	-	-	-	-	-	per ton	1 6 10
	Grind stones	-	-	-	-	-	per ton	1 6
	Mill stones	-	-	-	-	-	each	3 0
	Spirits	-	-	-	-	-	per 50 gallons	1 0
	Snuff	-	-	-	-	-	per ton	3 6
	Tallow	-	-	-	-	-	per ton	3 0 15
	Tar	-	-	-	-	-	per barrel	0 4
	Tares	-	-	-	-	-	per ton	1 6
	Tow	-	-	-	-	-	per ton	3 0
	Tiles	-	-	-	-	-	per 1,000	1 6
	Turnips	-	-	-	-	-	per ton	0 6 20
	Tobacco	-	-	-	-	-	per ton	3 6
	Wood of all kinds (exclusive of staves)	-	-	-	-	-	per load	1 0
	Staves, herring and haddock barrel	-	-	-	-	-	per 1,000 feet	1 2
	Wool	-	-	-	-	-	per ton	5 0
	All goods not enumerated in the foregoing schedule	-	-	-	-	-	per ton	2 0 25

## IV. RATES FOR BALLAST.

For all ballast supplied by the Undertakers to vessels, or discharged from vessels within the harbour	-	per ton	1 0
--	---	---------	-----

## V. RATES FOR PILOTAGE.

For vessels not exceeding 150 tons register	-	per ton	0 3 30
For vessels exceeding 150 tons register	-	per ton	0 2

## VI. EXEMPTIONS.

No rate shall be charged for the following goods, namely:—

Returned empty bottles, casks, bags, and packsheets, and goods returned to the original shippers in the original state. 35

The luggage of each passenger not exceeding two and a half cwt., but for all above, the rate of two shillings per ton shall be paid by each passenger.

Five cubic feet not exceeding two and a half cwt. to be rated a barrel bulk; but when the weight of five cubic feet is greater than two and a half cwt., then two and a half cwt. to be rated a barrel bulk. 40

In weighing and measuring goods for ascertaining the shore dues payable the weight or measurement of the packages is to be included.

CARLINGFORD LOUGH.

A.D. 1874.

*Order for the Amendment of the Harbour of Carlingford Lough Improvement Orders, 1864 and 1868.*

*Carlingford Lough.*

1. This Order may be cited as "The Harbour of Carlingford Lough Improvement Order, 1874," and this Order, and The Harbour of Carlingford Lough Improvement Order, 1864 (in this Order called the Order of 1864), and The Harbour of Carlingford Lough Improvement Order, 1868 (which last-mentioned Order is in this Order called the Order of 1868), shall be read and construed together as one Order, and the three Orders may be cited together as "The Harbour of Carlingford Lough Improvement Orders, 1864, 1868, and 1874."

Short title.

2. Notwithstanding anything in the Orders of 1864 and 1868 contained, the works authorised by the Order of 1864 and the works in this Order authorised to be executed may be executed at any time within the period of five years from the day of the date of the passing of the Act confirming this Order; and on the expiration of such five years the powers by the Orders of 1864 and 1868 and by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as may be completed within such period of five years.

Time for completion of works.

3. In addition to the works which the Commissioners are authorised to execute and maintain by the Order of 1864, the Commissioners may and they are hereby authorised to execute all proper and necessary works for the removal by blasting or otherwise of all rocks or impediments to the navigation in the harbour, and may themselves execute such works, or may enter into contracts for the execution of such works or any portion thereof.

New works.

4. From and after the day of the date of the passing of the Act confirming this Order, the fourth section of the Order of 1868 shall be and is hereby repealed, but by such repeal no clauses of the Orders of 1864 and 1868 shall be restored.

Repeal of section 4 of the Order of 1868.

5. On and after the 1st day of September 1874, the schedule to the Order of 1864, and the addition made by the Act confirming that Order to the exemptions contained in that schedule, shall be deemed to be and are hereby cancelled, and the schedule to this Order shall be deemed to be and is hereby substituted in place of the schedule to the Order of 1864, and the Orders of 1864 and 1868 shall be construed accordingly.

New schedule of rates substituted.

6. Notwithstanding anything to the contrary contained in the Harbours, Docks, and Piers Clauses Act, 1847, the rates specified in the schedule to this Order and by this Order as construed together with the Order of 1864 authorised to be levied and received, may be levied and received on and after the 1st day of September 1874.

Commencement of new rates.

7. Notwithstanding anything to the contrary contained in the Order of 1864, but without prejudice to the rights of existing mortgagees, the Commissioners may apply any of the moneys from time to time borrowed by them, or received by them from the rates, tolls, and dues authorised by this Order, or from the lands or property connected therewith for such purposes (other than

Application of funds.

A.D. 1874. as thereby authorised) as will effect improvements in the harbour, and render it safe for vessels navigating the same.

*Carlingford Lough.*  
Power to borrow additional sums.

8. The Commissioners may from time to time borrow and re-borrow at interest for the purposes of this Order and the Orders of 1864 and 1868, any sum, in addition to the sum they are now authorised to borrow, not exceeding 5 twenty thousand pounds, on security of the property of the Commissioners, and of the rates, tolls, and dues authorised to be levied or collected by them by this Order or otherwise, but all mortgages already granted by the Commissioners shall have priority over all mortgages granted under this Order.

Application of money.

9. All moneys borrowed under the authority of this Order shall be applied 10 only for the purposes of this Order and of the Orders of 1864 and 1868.

Byelaws to be approved by Board of Trade.

10. Byelaws made by the Commissioners shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Costs of Order.

11. The Commissioners shall pay the costs and expenses of and connected 15 with the preparation for, obtaining, and making of this Order, or otherwise in relation thereto, out of the moneys which now are or may hereafter come into their hands.

The SCHEDULE to which the foregoing Order refers.

For every sailing vessel of and under 300 tons register entering	s.	d.	20
Carlingford Lough and discharging cargo there, per register ton	0	2	
For every sailing vessel exceeding 300 tons register, entering			
Carlingford Lough and discharging cargo there, per registered			
ton	0	3	
For every steam vessel entering Carlingford Lough and discharging			25
or loading cargo there, which for loading or unloading is dependent			
on tidal waters within the harbour, per registered ton	0	1½	
For all other steam vessels entering Carlingford Lough and dis-			
charging or loading cargo there, per registered ton	0	3	
For every vessel entering Carlingford Lough for refuge, without			30
delivering or loading cargo there :			
Being sailing vessels exceeding 100 tons register, and steam			
vessels exceeding 150 tons register, but not in case of either			
kind of vessel exceeding 500 tons register, per registered ton	0	2	
Being sailing vessels or steam vessels exceeding 500 tons			35
register, per registered ton	0	3	

*Exemptions.*

All sailing vessels of and under 75 tons register, and all steam vessels			
of and under 100 tons register.			
All sailing vessels of and under 100 tons register and all steam			40
vessels of and under 150 tons register, entering Carlingford Lough			
for refuge, without delivering or loading cargo there.			

## CATTEWATER.

A.D. 1874.

*Order for the construction, maintenance, and regulation of a Break-water and Pier on the Batten Reef of Rocks at the entrance of Cattewater in the port of Plymouth, and of approach roads thereto, and of the harbour of Cattewater, in the county of Devon.*

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding sixteen in number, which Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "The Cattewater Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and are in this Order called "the Commissioners."
2. The appointment of the Commissioners shall be regulated as follows; (that is to say,)
- (1.) The Board of Trade may, if they think fit, appoint one person to be a Commissioner under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner may, if they think fit, appoint another person to fill the vacancy, and so from time to time:
  - (2.) The Lord High Admiral, or the Lords Commissioners for executing the Office of Lord High Admiral, may, if they think fit, appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner may, if he or they think fit, appoint another person to fill the vacancy, and so from time to time:
  - (3.) The Secretary of State for the War Department may, if he thinks fit, appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner may, if he thinks fit, appoint another person to fill the vacancy, and so from time to time:
  - (4.) The Corporation of the Trinity House may, if they think fit, appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner may, if they think fit, appoint another person to fill the vacancy, and so from time to time:
  - (5.) His Grace the Most Noble Francis Charles Hastings Duke of Bedford, as tenant for life in possession of the manor of Plymstock, under the trusts of the will of the Most Noble Francis Duke of Bedford, deceased, or other the person who for the time being shall under the trusts of such will be tenant for life in possession of such manor and shall have attained the age of twenty-one years, and in default of any such person, Charles Romilly and George Russell, esquires, as trustees of such will, their heirs and assigns, lords of the said manor of Plymstock, shall as soon as may be appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner shall appoint another person to fill the vacancy, and so from time to time:

Incorporation  
of Commis-  
sioners.Appointment  
of several Com-  
missioners.

[169.]

C

A.D. 1874.  
Cattewater.

- (6.) The Right Honourable Albert Edmund Earl of Morley, his heirs and assigns, lords of the honour and manor of Plympton, shall as soon as may be appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner shall appoint another person to fill the 5 vacancy, and so from time to time :
- (7.) The Right Honourable Clarence Edward Baron Graves, his heirs and assigns, owners of lands on the shores of the harbour of Cattewater within the limits of this Order, shall as soon as may be appoint one person to be a Commissioner under this Order; and whenever a 10 vacancy is caused by death, resignation, or otherwise in the office of such Commissioner shall appoint another person to fill the vacancy, and so from time to time :
- (8.) The Right Honourable Frederic Baron Blachford, his heirs and assigns, owners of lands at Hooe and Saint Ann's, otherwise Turnchapel, shall 15 as soon as may be appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner shall appoint another person to fill the vacancy, and so from time to time :
- (9.) The town council of the borough of Plymouth shall as soon as may be 20 appoint two persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of such Commissioners shall appoint another person or other persons to fill the vacancy, and so from time to time :
- (10.) The owners and lessees for the time being of quays, yards, storehouses, 25 and lands having frontage on the said harbour within the limits of this Order shall as soon as may be appoint six persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of any of such six Commissioners shall appoint another person to fill the vacancy, and so 30 from time to time.

Determination  
of appointment  
of Commis-  
sioners.

3. The appointment of any Commissioner under this Order may at any time be determined by the authority, body, or person in whom in case of the death or resignation of such Commissioner the appointment of another Commissioner in his place is vested, and each such appointment shall be operative for three 35 years and no longer, but at the end of the term of three years an outgoing Commissioner shall be eligible for re-appointment.

Provision as to  
election of  
Commission-  
ers by land-  
owners, &c.

4. With respect to the election of Commissioners by the owners and lessees of quays, yards, storehouses, and lands having frontage on the harbour within the limits of this Order, the following provisions shall take effect: 40
  - (1.) The first meeting of such owners and lessees shall be held at the Old Guildhall, Plymouth, within one calendar month after the day of date of the passing of the Act confirming this Order, at a time to be advertised by Mr. George Pridham, of Plymouth, solicitor, or, in his default, by a person appointed for the purpose by the Board of Trade, 45 five days at least before the day of meeting, in two local papers :
  - (2.) The said George Pridham, or, in his default, the person so appointed by the Board of Trade, shall be the first assessor and returning officer of

the said Commission, and shall preside as such at the meetings for the election of Commissioners, and shall examine and decide finally on all claims to vote at such meetings, so long as the Commissioners shall not revoke his appointment and appoint any other assessor and returning officer in his place :

A.D. 1874.

*Cattewater.*

- 5 (3.) Annual meetings of such owners and lessees for the election of Commissioners shall be held at Guildhall, Plymouth, or in such other place as the Commissioners shall from time to time appoint, on such day within ten days next before the first day of October in the year one thousand eight hundred and seventy-five and in each subsequent year as the Commissioners shall annually appoint, the place and time of meeting being advertised as aforesaid by the clerk of the Commissioners five days at least before the day of meeting :
- 10 (4.) At the first and each subsequent annual election each such owner and lessee shall be entitled to the following number of votes according to his frontage to the harbour ; that is to say, an owner or lessee of fifty feet frontage or less, one vote ; of more than fifty feet and not exceeding three hundred feet frontage, two votes ; of more than three hundred feet and not exceeding six hundred feet frontage, three votes ; of more than six hundred feet and not exceeding one thousand feet frontage, four votes ; of more than one thousand feet frontage, five votes for each Commissioner : Provided that where the same person is both owner and occupier he shall be entitled to vote in each capacity, and that the occupying lessee shall alone be entitled to vote to the exclusion of any lessee intermediate between owner and occupier : Provided also, that no owner having power in his own right to appoint a Commissioner shall be entitled to attend or to vote in the election of a Commissioner under this clause :
- 15 (5.) The election of Commissioners at the first and each subsequent annual meeting shall be made by the majority of votes of owners and lessees present at the meeting :
- 20 (6.) The Commissioners elected at the first meeting shall be placed in a list in alphabetical order ; the first and second on such list shall go out of office at the second meeting, the third and fourth on such list shall go out of office at the third meeting, and the fifth and sixth on such list shall go out of office at the fourth meeting :
- 25 (7.) Each Commissioner elected under this clause at the second and subsequent annual meetings shall go out of office at the third meeting after his election :
- 30 (8.) Every Commissioner going out of office shall be eligible for re-election :
- 35 (9.) All expenses of elections under this clause shall be paid by the Commissioners.
- 40

5. "The Commissioners Clauses Act, 1847," (except sections six and seven, and sections seventeen to thirty-five, both inclusive, and except so far as the other sections thereof are inconsistent with this Order,) is hereby incorporated with this Order, and the same Act shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally ;

Incorporation  
of parts of  
Commissioners  
Clauses Act,  
1847.

- A.D. 1874. but with reference to section thirty-nine thereof, the prescribed number (constituting a quorum) of the Commissioners shall be three.
- Cattewater.*  
Incorporation of parts of Lands Clauses Acts. 6. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order. 5
- Commencement of powers. 7. The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as nine persons have been appointed or elected Commissioners, and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment or non-election of, or any informality in, the appointment or election of a commissioner. 10
- Board of Trade to appoint auditor. 8. The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Commissioners and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.
- Undertakers. 9. The Commissioners shall be the Undertakers of the works authorized by this Order. 15
- Limits of harbour under jurisdiction of Commissioners. 10. The limits of the harbour of Cattewater (which shall be deemed the limits to which this Order extends and within which the Commissioners shall have authority) shall be the area included within the lines drawn as follows; that is to say, an imaginary straight line drawn from a point on the seashore fifty-three yards or thereabouts immediately to the west of the south-western corner of the westernmost house of the coastguard station at Mount Batten to the westernmost extremity of the rock on which the Cobbler Buoy is now placed, thence another imaginary straight line drawn to the Fisher's Nose in the borough of Plymouth, thence an imaginary line drawn along the line of high-water mark of the shore of Cattewater to the point of high-water mark on the south side of the western pier of Sutton Pool, thence a straight line drawn from the last-mentioned point touching the south side of such west pier and proceeding eastwards till it meets the eastern pier of Sutton Pool, and then a line drawn along high-water mark of the shore of Cattewater to Laira Bridge, then along the southern side of the said bridge, then along the line of high-water mark of the shore of the Cattewater, including Pomphlett Lake up to but not beyond Pomphlett Mill at the head of the said lake, and including Hooe Lake up to but not beyond Radford Mill Dam at the head of the said lake, and then passing on along high-water mark to the point on the seashore first mentioned, which harbour will be situate in or abut upon all or some of the parishes or places of St. Andrew and Charles in the borough of Plymouth, and the parish of Plymstock and the liberties of the water of the Tamar in the county of Devon. 20 25 30 35 40
- Power to make works. 11. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the lands taken by them under this Order, and in the lines and situations, and according to the levels shown on the deposited plans and sections (so far 45

as the same are shown thereon), and within the limits of deviation shown on these plans, make and maintain the breakwater, pier, and works authorised by this Order. A.D. 1874.  
Cattewater.

12. For the purposes of the works authorised by this Order the Commissioners may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed breakwater and pier, and the works, roads, and conveniences connected with the harbour. Power to take land.

13. The works authorised by this Order and which may be made and maintained by the Commissioners comprise— Works authorised.

(1.) A pier or breakwater, jetty, quay, and landing-places, with all proper works, sea-walls, approaches, tramways, railways, and other conveniences connected therewith for the embarking and landing and transport of passengers, cattle, goods, and merchandise, and for other purposes; such pier and breakwater to commence at a point on the west side of the rock or promontory called Mount Batten in the parish of Plymstock in the county of Devon, and extending in a westerly direction two hundred and seventy yards or thereabouts on a reef of rocks called the Batten reef, which said breakwater, pier, jetty, quay, and landing-places will be situate in or abut upon the several parishes, townships, or extra-parochial places, or some of them, following; (that is to say,) Plymstock and the liberties of the water of the Tamar in the county of Devon:

(2.) Lighthouses, tollhouses, roads, approaches, warehouses, offices, sheds, cranes, weighing machines, and other works and conveniences in connexion with the intended breakwater, pier, jetty, quay, wharf, and landing-places:

(3.) An approach or carriage road to the intended breakwater and pier, situate wholly in the parish of Plymstock in the county of Devon, three hundred and fifty-three yards or thereabouts in length, commencing at the eastern end of the intended breakwater or pier, and terminating on the road quay in front of the Castle Inn in the parish of Plymstock:

(4.) A road wholly in the parish of Plymstock, eight hundred yards or thereabouts in length, commencing at the termination of the last-mentioned road, and terminating at a point twenty yards or thereabouts in a south-easterly direction from Cliff Cottage in the village of Turnchapel in the road leading from the village of Turnchapel to Fort Stamford in the same parish:

(5.) The dredging, deepening, scouring, and otherwise improving the harbour and the shores and creeks thereof within the limits of this Order, and the laying down buoys and moorings and providing other appliances and conveniences for ships frequenting the said harbour.

14. No works for dredging or improving the harbour under this Order shall be commenced without the assent of the Board of Trade having been first obtained. Assent of Board of Trade.

15. The Commissioners may at any time purchase, take on lease, or otherwise acquire all lands, buildings, waters, easements, or hereditaments necessary Commissioners may purchase and take over



- A.D. 1874. *Cattewater.*  
Saltash dues,  
&c.  
Buoys.
- for or liable to interfere with the construction of the intended breakwater, pier, jetty, quays, landing-places, and approach roads or works, and the approaches thereto, and also may by agreement purchase or take on lease or commutation, either for a term of years or in perpetuity, any powers, rights, privileges, and authorities, tolls, rates, and duties, in respect of the liberty of the water Tamar, 5 or the maintenance of the said Cobbler Buoy at the entrance of the harbour, whether belonging to His Royal Highness the Prince of Wales in right of his duchy of Cornwall, or to the corporation of the borough of Saltash in the county of Cornwall; and the powers, rights, privileges, authorities, tolls, rates, or duties so purchased or taken on lease or commutation shall vest in 10 the Commissioners accordingly.
- Commissioners may take over buoys, &c. from Admiralty.
16. The Commissioners may at any time, by agreement with the Lords of the Admiralty, purchase and take over all buoys, moorings, and other appliances within the harbour now belonging to or under the control of the Admiralty, and shall thenceforth maintain and have the control of the same buoys, moor- 15 ings, and other appliances subject and according to the terms of such agreement and the provisions of the Harbours, Docks, and Piers Clauses Act, 1847.
- Commissioners may provide dredges, &c.
17. The Commissioners may for the purposes of the harbour from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to 20 time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realised shall be applied for the purposes of this Order.
- Power to levy rates.
18. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this 25 Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given the Commissioners may, subject and according to the provisions of this Order, for the use of the harbour, and the piers, landing-places, works, and conveniences connected therewith, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things 30 described in the schedule to this Order any sums not exceeding the rates in that schedule mentioned.
- Exemption of certain fishing vessels.
19. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and from port charges such vessels when forced by stress of weather to seek shelter in the ports of the coasts of the 35 United Kingdom shall, when forced by stress of weather to make use of the said harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.
- Customs officers.
20. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the 40 said breakwater and harbour by land and with their vessels without payment.
- Power to borrow.
21. The Commissioners may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of thirty thousand pounds, on the security of the rates, dues, and tolls by this Order authorised to be levied. 45

22. The Commissioners shall apply all money borrowed by them under this Order for the purposes and in the order following; that is to say, A.D. 1874.
- (1.) In payment of the costs of and connected with the preparation and making of this Order: *Cattlewater.*  
Application of money borrowed.
- 5 (2.) In paying the cost of the works authorised by this Order.
23. Every part of the money borrowed under this Order shall be applied only to the purposes of this Order. Application of borrowed money.
24. Any money borrowed under this Order and discharged, otherwise than by means of a sinking fund or by instalments, may be re-borrowed, if required, Re-borrowing.
- 10 for the purposes of this Order, and so from time to time.
25. The mortgagees of the Commissioners may enforce the payment of arrears of interest, or of arrears of principal and interest, due to them on their respective mortgages by the appointment of a receiver; and the amount to authorise a requisition for a receiver is two thousand pounds. Receiver.
- 15 26. The Commissioners shall apply all rates, dues, and other income received under this Order for the purposes and in the order following and not otherwise: Application of tolls.
- (1.) In paying the costs of and connected with or incidental to the preparation and making of this Order:
- 20 (2.) In paying the salaries of the clerk, assessor, harbour-master, and harbour police, the expenses of watching, lighting, and maintaining the harbour, and of providing and maintaining in proper condition all the works, buoys, moorings, appliances, and other conveniences belonging to the harbour, and paying all other current expenses of the Commissioners:
- 25 (3.) In paying year by year the interest on money borrowed under this Order:
- (4.) In from time to time providing the instalments or creating a sinking fund for the repayment of money borrowed, in such manner, so far as circumstances will admit, that all money borrowed may be discharged within fifty years from the time of borrowing:
- 30 (5.) In paying the cost of the works authorised by and of lands or property acquired for the purposes of this Order, and the other expenses incurred in the improvement of the harbour or otherwise under this Order.
27. The Commissioners shall, in the month of January in every year, furnish 35 to the Board of Trade a statement, in such form as the Board of Trade from time to time direct, showing the income, expenditure, credits, and liabilities of the Commissioners in and for the year ending on the preceding thirty-first day of December and the total amount of capital expended by the Commissioners up to the expiration of that year. Commissioners to furnish accounts to Board of Trade.
- 40 28. The Commissioners shall from time to time, if required by the Board of Trade, revise the rates, tolls, and dues receivable under this Order, so that the income of the Commissioners under this Order may always be, as far as practicable, sufficient, and not more than sufficient, to meet the expenditure directed or authorised by this Order. Rates to be revised from time to time.

A.D. 1874.

*Cattewater.*  
Pilots to be  
subject to  
harbour-  
master.

29. All pilots acting within the limits of this Order shall, as regards the berthing and mooring of ships, be subject to and obey the directions of the Commissioners and their harbour-master. Any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Plymouth, which authority is by this Order required to act accordingly on any complaint referred to that authority by the Commissioners or their harbour-master. 5

Part V. of  
24 & 25 Vict.  
cap. 47. to  
apply.

30. Part V. of "The Harbour and Passing Tolls, &c. Act, 1861," shall apply to this Order.

Meters and  
weighers.

31. The Commissioners shall have the appointment of meters and weighers 10 within the limits of this Order.

Parts of Har-  
bours, Docks,  
&c. Act, not  
incorporated.  
Byelaws.

32. Sections sixteen to nineteen inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

33. Byelaws made under this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, 15 which shall be sufficient for all purposes.

Emplacement  
for three guns  
to be provided  
before any  
rates levied.

34. The Commissioners shall at their own expense provide an emplacement for three guns on the ground at or contiguous to Mount Batten, on such site, according to such plan and mode of construction, and generally in such manner in all respects as the Secretary of State for War shall direct, and until the 20 Secretary of State for War shall have certified in writing under his hand that such emplacement has been provided to his satisfaction no rates or dues shall be demanded or received by the Commissioners under this Order.

Light to be  
exhibited.

35. The Commissioners shall, at the outer extremity of the piers and works authorised by this Order, exhibit from sunset to sunrise such light or lights (if 25 any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Power to cease  
in certain  
events.

36. In the following cases ; (that is to say,)

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substan- 30 tially commenced ; or

(2.) If such works after having been commenced should be virtually sus-  
pended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works 35 as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

Board of Trade  
certificate to be  
conclusive  
evidence.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be 40 conclusive evidence of the fact stated in such certificate.

Saving rights  
under "Crown  
Lands Act,  
1866."

37. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of

the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained. A.D. 1874.  
*Cattewater.*

- 5 38. Nothing in this Order contained shall prejudice or affect the rights, powers, or jurisdiction of the Corporation of Trinity House, Deptford Strond. Reservation of jurisdiction of Trinity House.

39. Nothing in this Order contained shall prejudice or affect the powers conferred on the Admiralty under section nine of "Harbours Transfer Act, " 1862," but such powers may be exercised in like manner as if this Order had not been made; and notwithstanding anything in this Order contained the Admiralty and all persons in their employ shall have free right of transport and passage across and within the limits of this Order to and from any quarries or other works used by or under the jurisdiction of the Admiralty in like manner as if this Order had not been made. Reservation of Admiralty authority under 25 & 26 Vict. cap. 69, sec. 9, and right of transport.
- 10

- 15 40. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Commissioners. Costs of Order

41. This Order may be cited as "The Cattewater Harbour Order, 1874." Short title.

---

The SCHEDULE to which the foregoing Order refers.

---

20 I.—RATES ON SHIPS AND CRAFT USING OR ENTERING THE HARBOUR.

s. d.

- On all ships or steamers of ten tons register and upwards entering the harbour windbound and anchoring or mooring there, and on all ships or steamers of like tonnage entering the harbour for the purpose of discharging or loading cargo - per registered ton 0 1
- 25 On every fishing hooker and sailing fishing vessel belonging to the harbour, or entering and using the harbour for the purpose of fishery, payable in advance, annually the sum of - - 5 0
- On all barges, lighters, and other craft above 20 tons - per annum 10 0
- 30 On all barges, lighters, and other craft under 20 tons - per annum 5 0
- Every ship or craft laying within the harbour more than three calendar months (unless under repair at a shipwright's yard) shall pay at the expiration thereof the same dues as if she had again entered the harbour, and so on at the expiration of every three months she shall continue therein.
- 35

II.—RATES FOR USE OF MOORING CHAINS.

- On all ships under 500 tons - - - - per day 1 0
- On all ships above 500 tons - - - - per day 2 6

[169.] D

## A.D. 1874. III.—RATES ON GOODS SHIPPED OR UNSHIPED WITHIN THE HARBOUR.

*Cattewater.*

	s.	d.	
For horses and cattle - - - - - each	1	6	
For sheep, calves, and pigs - - - - - each	0	4	
For fish - - - - - per boat load	0	6	5
For stone, sand, lime, and clay - - - - - per barge load	0	6	
For dung, hay, and faggot-wood - - - - - per barge load	0	6	
For every ton of merchandize and other articles and things not particularly enumerated above - - - - -	0	1	

## IV.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, AND SHEDS. 10

1. *Rate of Cranage.*

All goods or packages not exceeding 1 ton - - - - -	0	4	
All goods or packages exceeding 1 ton and not exceeding 2 tons - - - - -	0	6	
All goods or packages exceeding 2 tons and not exceeding 3 tons - - - - -	0	8	15
All goods or packages exceeding 3 tons and not exceeding 4 tons - - - - -	0	10	
All goods or packages exceeding 4 tons and not exceeding 5 tons - - - - -	1	0	
All goods or packages exceeding 5 tons and not exceeding 6 tons - - - - -	1	2	
All goods or packages exceeding 6 tons and not exceeding 7 tons - - - - -	1	4	
All goods or packages exceeding 7 tons and not exceeding 8 tons - - - - -	1	6	20
All goods or packages exceeding 8 tons and not exceeding 9 tons - - - - -	1	10	
All goods or packages exceeding 9 tons and not exceeding 10 tons - - - - -	2	4	

2. *Weighing Machines.*

For goods weighed, for each ton or part of a ton - - - - -	0	2	
--	---	---	--

3. *Shed Dues.*

For every ton of goods of 40 cubic feet for every ton of 20 cwt. which remains in the warehouse or sheds or other works of the Company for not longer than 48 hours - - - - - per ton	0	3	
For each day during which the goods remain after the first 48 hours - - - - - per ton	0	2	30
For any portmanteau, trunk, parcel, or other article of passenger's luggage, for every day or part of a day - - - - -	0	2	

## V.—RATES ON PASSENGERS AND OTHERS USING THE BREAKWATER.

For every passenger and other person who shall embark on or from the breakwater or the quays connected with the breakwater, or use them for any other purpose - - - - -	0	1	35
For every passenger's and other person's trunk, box, or other package within the description of luggage, not exceeding 28 lbs. - - - - -	0	1	
For every passenger's and other person's trunk, box, or other package within the description of luggage over 28 lbs. and not over 84 lbs. - - - - -	0	2	40
For every passenger's and other person's trunk, box, or other package within the description of luggage over 84 lbs. and not over 112 lbs. - - - - -	0	3	

	s.	d.	A.D. 1874.
For every passenger's and other person's trunk, box, or other package within the description of luggage over 112 lbs. and not over 140 lbs.	0	4	<i>Cattewater.</i>
5 For every passenger's and other person's trunk, box, or other package within the description of luggage over 140 lbs. and not over 196 lbs.	0	5	
For every passenger's and other person's trunk, box, or other package within the description of luggage over 196 lbs. and not over 224 lbs.	0	6	
Every cwt. beyond	0	3	

*Exemption.*

- 10 All vessels entering or leaving Sutton Harbour or the Great Western Docks at Plymouth and not anchoring in or using Cattewater Harbour for any longer time than 48 hours immediately before entering or after leaving Sutton Harbour or the Great Western Docks, and not breaking bulk while anchoring in or using Cattewater Harbour, and not using the moorings or works or conveniences of the Commissioners, and also all cargoes of
- 15 such vessels, shall be exempt from rates and duties under this Order.

EYEMOUTH.

*Eyemouth.*

- 20 *Order for amending the Act with respect to the Harbour of Eyemouth, in the county of Berwick, and for making further provision in regard to the said Harbour.*

1. This Order and the Acts incorporated therewith shall be read along with the Act of the second year of Her Majesty, chapter thirty-six, intituled "An Act for more effectually repairing, improving, and maintaining the harbour of Eyemouth, in the county of Berwick," which Act is in this Order called "the Harbour Act;" and the Harbour Act, and this Order, and the incorporated Acts shall be construed together as one Act.
- 25

Harbour Act and Order to be read together.

2. The Trustees for the time being acting under the Harbour Act, or under the Harbour Act and this Order, in this Order called "the Trustees," shall be the Undertakers for the purposes of this Order, and shall exercise all the
- 30 powers and be subject to all the provisions of the Harbour Act and this Order.

Undertakers.

3. The following sections of the Harbour Act, that is to say, sections 28 to 34 inclusive, 37, 43 to 47 inclusive, and 63 to 66 inclusive, shall be and the same are from and after the passing of the Act confirming this Order, hereby repealed.

Harbour Act in part repealed.

- 35 4. The following clauses of "The Commissioners Clauses Act, 1847," shall be incorporated with this Order, viz., clauses 8, 16, 60 to 64 inclusive, 80 to 83 inclusive, 85, 88, 89, and 90.

Commissioners Clauses Act, in part incorporated.

5. The Trustees or their quorum may from time to time, and as they shall see fit, elect, nominate, and appoint, in manner provided by the Harbour Act,

Appointment of additional trustees.

[169.]

D 2

A.D. 1874.

*Eyemouth.*

Schedules to  
Harbour Act  
cancelled and  
new schedule  
substituted.

any persons, qualified as in the Harbour Act provided, to act as Trustees of the Harbour Act and this Order.

6. On and after the first day of September one thousand eight hundred and seventy-four the schedules (A.) and (B.) to the Harbour Act shall be deemed to be and are hereby cancelled, and the schedule to this Order shall be deemed to be and is hereby substituted in the place of the schedules to the Harbour Act, and the Harbour Act shall be construed accordingly: Provided that any rates and duties due to the Trustees before the first day of September one thousand eight hundred and seventy-four may be recovered as the rates and duties contained in the schedule to this Order are recoverable: Provided also, that nothing in this Order contained shall affect the duties claimed or exacted by the baron or superior of the barony of Eyemouth, or heirs of entail of George Home of Wedderburn, deceased, formerly the baron or superior of the said barony, which are in the Harbour Act reserved.

Extra rates for  
vessels staying  
in harbour.

7. The Trustees may by a byelaw fix reasonable periods after which vessels shall not be permitted to remain in the harbour without payment of such additional tonnage rates as the Trustees think fit, not exceeding the original rate, for all or any part of every period in excess of the first period; provided that any such byelaw shall not come into operation until it has received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Rates to be  
revised.

8. The Trustees shall from time to time revise the rates and duties received by them under the Harbour Act and this Order, so that the total produce thereof may always be as far as practicable sufficient and not more than sufficient to meet the payments and expenditure authorised by the Harbour Act and this Order.

Trustees to  
send annual  
account to  
Board of  
Trade.

9. The Trustees, within one month after sending to the sheriff clerk for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade; if the Trustees refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account.

Certain fishing  
vessels under  
stress of wea-  
ther exempt  
from rates.

10. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption  
of officers of  
customs.

11. Officers of customs, being in the execution of their duty, shall at all times have free egress, passage, and ingress on, into, along, through, or out of the harbour and the works of the Trustees, by land, and with their vessels and otherwise, without payment.

Portions of  
Harbours  
Clauses Act  
excepted.

12. Sections 5 to 11 inclusive, 16 to 23 inclusive, and 25, 26, 29, 47, and 93 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be in-

incorporated with this Order; and section 12 of the same Act as amended by A.D. 1874.  
"The Harbours Transfer Act, 1862," or any other Act, shall apply to all Eyemouth.  
works under the Harbour Act.

13. The Trustees shall have the appointment of meters and weighers within Meters and  
5 the limits of this Order. weighers.

14. In addition to the powers as to pilotage by the Harbour Act conferred, Trustees to be  
the Trustees shall be a pilotage authority and local authority within the mean- a pilotage  
ing of "The Merchant Shipping Act, 1854," and the Acts amending the same, authority.  
and shall have all the powers conferred by those Acts on pilotage authorities  
10 and on local authorities.

15. The Trustees shall at the outer extremity of the harbour and works Light or lights  
exhibit from sunset to sunrise such light or lights (if any) as shall from time to be exhibited.  
to time be directed by the Commissioners of Northern Lighthouses.

16. This Order shall not be taken as a consent to the surrender of any rights, Saving rights  
15 interests, powers, authorities, or privileges transferred to the management of the under "Crown  
Board of Trade by "The Crown Lands Act, 1866," nor shall any works or Lands Act,  
operations under the Harbour Act or this Order be commenced within limits 1866."  
affected by any such rights, interests, powers, authorities, or privileges, without  
the consent of the Board of Trade having been first obtained.

20 17. All costs, charges, and expenses of and incident to the preparation of Cost of Order.  
and obtaining this Order, or otherwise incurred in relation thereto, shall be paid  
by the Trustees.

18. This Order may be cited as the "Eyemouth Harbour Order, 1874." Short title.

SCHEDULE to which the foregoing Order refers.

25 I.—TONNAGE DUTIES.

	s.	d.
For all vessels whatever entering the harbour to load or unload, per registered ton - - - - -	0	3
For all vessels windbound or otherwise, and not loading or unloading, 30 per registered ton - - - - -	0	1½

II.—DUTIES FOR BOATS, EXCLUSIVE OF THEIR CARGOES.

Every boat engaged in the herring fishery, as a composition in full of tonnage duty for the period of the herring fishing season, payable on the 1st day of August annually; for every foot of length of 35 the boat over all - - - - -	0	6
Every boat loading or discharging herrings not paying the aforesaid composition shall on each occasion of entering the harbour pay -	2	0
And when windbound - - - - -	1	0
[169.]	D	3



A.D. 1874.

*Eyemouth.*

s. d.

Every boat engaged in the white fishing, as a composition in full of tonnage duty for the period of the white fishing season, payable on the first December annually; for every foot of length of the boat over all	-	-	-	-	-	-	-	1	0	5
Every boat loading or discharging white fish, not paying the aforesaid composition, shall on each occasion of entering the harbour pay	-	-	-	-	-	-	-	2	6	
And when windbound	-	-	-	-	-	-	-	1	3	

### III.—RATES ON ARTICLES OF IMPORT AND EXPORT, BY BOATS OR VESSELS.

10

Acorns, per bushel	-	-	-	-	-	-	-	0	0½	
Alabaster, per cwt.	-	-	-	-	-	-	-	0	1	
Ale, beer, porter, mum, cyder, perry, or vinegar, per butt	-	-	-	-	-	-	-	0	9	
Ditto, per barrel	-	-	-	-	-	-	-	0	3	
Aquafortis, per carboy	-	-	-	-	-	-	-	0	2	15
Ashes, pot, pearl, or soap, per cwt.	-	-	-	-	-	-	-	0	2	
Ashes, fern or wood, per cwt.	-	-	-	-	-	-	-	0	0½	
Bacon or hams, per cwt.	-	-	-	-	-	-	-	0	1	
Ballast :—										
Inward, whether landed or shifted into another vessel, per ton	-	-	-	-	-	-	-	1	6	20
Outward, whether taken out of another vessel, or from the quay or shore, per ton	-	-	-	-	-	-	-	1	6	
Barilla, per ton	-	-	-	-	-	-	-	1	0	
Bark, per ton	-	-	-	-	-	-	-	1	0	
Bark, Jesuit's, per lb.	-	-	-	-	-	-	-	0	0½	25
Barley ( <i>see</i> Corn) :—										
Shelled or pearl ditto, per 20 stones	-	-	-	-	-	-	-	0	1	
Baskets, hand, per dozen	-	-	-	-	-	-	-	0	3	
Battens and ends, per St. Petersburg standard hundred of 720 lineal feet	-	-	-	-	-	-	-	0	2½	30
Beef, mutton, pork, or veal, per cwt.	-	-	-	-	-	-	-	0	1	
Beeswax, per cwt.	-	-	-	-	-	-	-	0	3	
Bell metal, per cwt.	-	-	-	-	-	-	-	0	1	
Bells, per cwt.	-	-	-	-	-	-	-	0	1	
Bellows, per barrel bulk	-	-	-	-	-	-	-	0	2	35
Blankets, per dozen	-	-	-	-	-	-	-	0	4	
Blubber, for every ton of oil produced by it	-	-	-	-	-	-	-	0	6	
Bones, per ton	-	-	-	-	-	-	-	0	6	
Bottles, glass, per gross	-	-	-	-	-	-	-	0	4	
Ditto, stone, per dozen	-	-	-	-	-	-	-	0	1	40
Ditto, broken, per ton	-	-	-	-	-	-	-	0	6	
Bran, per quarter	-	-	-	-	-	-	-	0	0½	
Brandy, per tun	-	-	-	-	-	-	-	6	0	
Bricks, per 1,000	-	-	-	-	-	-	-	0	2	
Ditto, stock or fire, per 1,000	-	-	-	-	-	-	-	0	4	45
Brimstone, per cwt.	-	-	-	-	-	-	-	0	2	

		s.	d.	A.D. 1874.
	Bulrushes, per barrel bulk - - - - -	-	0 1	<i>Eyemouth.</i>
	Butter, per firkin - - - - -	-	0 1	
	Calicoes and other cotton goods, per barrel bulk - - - - -	-	0 4	
5	Candles, per cwt. - - - - -	-	0 2	
	Ditto, wax, per barrel bulk - - - - -	-	0 6	
	Canvas or sail cloth, per bolt - - - - -	-	0 1	
	Carpets, per barrel bulk - - - - -	-	0 4	
	Carriage or cart, 2 wheels - - - - -	-	1 6	
10	Ditto, 4 wheels - - - - -	-	3 0	
	Carrots, per ton - - - - -	-	0 6	
	Casks, empty, per puncheon - - - - -	-	0 2	
	Other casks in proportion.			
	Cattle, viz. :—			
15	Bulls, cows, and oxen, each - - - - -	-	1 0	
	Calves, each - - - - -	-	0 3	
	Cement, per ton - - - - -	-	0 6	
	Cheese, per cwt. - - - - -	-	0 2	
	Cinders and charcoal, per chaldron - - - - -	-	0 3	
20	Clay, per ton - - - - -	-	0 3	
	Chalk, per ton - - - - -	-	0 3	
	Cloth, hair, per barrel bulk - - - - -	-	0 2	
	Ditto, linen, per barrel bulk - - - - -	-	0 4	
	Ditto, sack, per 12 pieces - - - - -	-	0 1	
25	Ditto, woollen, and other woollen goods, per barrel bulk - - - - -	-	0 4	
	Coals, per ton - - - - -	-	0 3	
	Cordage, twine, and netting, per cwt. - - - - -	-	0 1	
	Cork and corks, per cwt. - - - - -	-	0 2	
	Corn and grain, viz. :—			
30	Wheat, barley, beans, oats, peas, tares, rye, Indian corn, and malt, per quarter - - - - -	-	0 1	
	Cotton, per cwt. - - - - -	-	0 2	
	Cream of tartar, per cwt. - - - - -	-	0 4	
	Cutch and Gambia, per ton - - - - -	-	1 0	
35	Deals and deal ends, per St. Petersburg standard hundred, equal to three loads of timber - - - - -	-	0 5½	
	Dimities, per barrel bulk - - - - -	-	0 4	
	Dogs, each - - - - -	-	0 3	
	Drugs, per lb. - - - - -	-	0 0½	
40	Dusters, per dozen - - - - -	-	0 1	
	Dyeing stuffs, not otherwise charged, per cwt. - - - - -	-	0 1	
	Earthenware, per cwt. - - - - -	-	0 6	
	Ditto, per crate - - - - -	-	0 6	
	Eggs, per chest of 1,600 - - - - -	-	0 8	
45	Ditto, per 120 - - - - -	-	0 0½	
	Esparto grass, per ton - - - - -	-	1 0	
	Feathers, per cwt. - - - - -	-	0 2	

A.D. 1874. Fish, viz. :—		s.	d.
<i>Eyemouth.</i>	Herrings, per barrel or box	0	2
	Salmon, fresh, per cwt.	0	1½
	Ditto, salted, per barrel	0	6
	Ditto, pickled, per kit	0	1 5
	Dried or smoked, per cwt.	0	0½
	Livers, per barrel or box	0	1
	Flax, per cwt.	0	1
	Flour or meal, per 20 stones	0	2
	Fruit of all kinds, not otherwise charged, per cwt.	0	4 10
	Ditto, per bushel	0	1
	Fuller's earth, per cwt.	0	0½
	Ginger, per cwt.	0	2
	Glass, window, per crate	0	3
	Ditto, broken, per barrel bulk	0	1 15
	Glasses, decanters, and other white glass, per barrel bulk	0	6
	Glue, per cwt.	0	2
Groceries, viz. :—			
	Coffee, sugar, confections, dried fruits, molasses, spices, rice, soap, tobacco, snuff, &c., per cwt.	0	4 20
	Gunpowder, per cwt.	0	4
	Haberdashery and millinery goods, per barrel bulk	0	4
	Hair, (horse or cattle,) per barrel bulk	0	4
	Handcoops, per dozen	0	0½
	Handspikes, dressed, per dozen	0	6 25
	Hats, per barrel bulk	0	6
	Hay, per ton	1	0
	Hemp, per ton	1	8
	Hogs or pigs, each	0	2
	Hides, per cwt.	0	2 30
	Horses and mules, each	1	0
	Hoops, wooden, per 120	0	1
	Ditto, iron, per cwt.	0	2
	Hops, per bag	1	0
	Ditto per pocket	0	6 35
	Household furniture, per barrel bulk	0	2
	Husbandry implements and utensils, per barrel bulk	0	3
	Ice, per ton	0	6
	Indigo, per cwt.	0	4
Iron, viz. :—			40
	Pig and cast iron, per ton	0	6
	Wrought and bar, per cwt.	0	1
	Broken or old, per ton	0	6
	Ironmongery goods, per cwt.	0	1
	Isinglass, per cwt.	0	1 45
	Junk, per cwt.	0	0½
	Kelp, per ton	0	6
	Kits, per 20	0	1

		<i>s.</i>	<i>d.</i>	A.D. 1874.
	Lathwood, on each fathom, equal to a load of timber, 4 feet long	-	0 2	<i>Eyemouth.</i>
	Lead, per cwt.	-	0 1	
	Ditto, white, red, or black, per cwt.	-	0 1	
5	Lead shot, per cwt.	-	0 1	
	Leather, per cwt.	-	0 2	
	Lemons or oranges, per chest	-	0 6	
	Lime, per ton	-	0 2	
	Manures, artificial, guano, bonedust, &c., per ton	-	0 6	
10	Manure, street, dung, and the like, per ton	-	0 1	
	Marble, per ton	-	1 6	
	Mats, per 120	-	0 6	
	Meal, per 20 stones	-	0 1	
	Mussels, per ton	-	0 6	
15	Nuts, per barrel bulk	-	0 2	
	Oakum, per cwt.	-	0 0½	
	Oil, per cwt.	-	0 1	
	Oilcake and feeding stuffs not otherwise charged, per cwt.	-	0 0½	
	Paper and pasteboard, per cwt.	-	0 2	
20	Peats, per ton	-	0 3	
	Pewter, per ton	-	1 8	
	Pipes, tobacco, per chest	-	0 3	
	Pitch, per barrel	-	0 2	
	Plaster of Paris, per cwt.	-	0 1	
25	Potatoes, per ton	-	0 4	
	Quicks or twigs, per barrel bulk	-	0 2	
	Rags, old ropes, &c., per ton	-	0 6	
	Rosin, per cwt.	-	0 1	
	Rotten stone, per cwt.	-	0 1	
30	Rugs, per barrel, bulk	-	0 4	
	Sails, per 50 yards	-	0 2	
	Salt, per ton	-	0 6	
	Salts, Glauber, per cwt.	-	0 4	
	Saltpetre, per cwt.	-	0 2	
35	Seeds, viz. :—			
	Clover, per cwt.	-	0 1	
	Flax and rape, per cwt.	-	0 0½	
	Hemp and canary, per cwt.	-	0 1	
	Mustard, per cwt.	-	0 2	
40	Ryegrass, per quarter	-	0 1	
	Turnip, per bushel	-	0 1	
	Garden seeds, and all others not before mentioned, per cwt.	-	0 2	
	Scythe or whetstones, per 120	-	0 2	
	Sheep and lambs, each	-	0 2	
45	Sicles, per barrel bulk	-	0 2	
	Sieves, per barrel bulk	-	0 2	

[169.]

E

A.D. 1874.

*Eyemouth.*

	s.	d.	
Silk, wrought or unwrought, per barrel bulk - - - - -	0	6	
Slates, per ton - - - - -	0	3	
Smalts, per cwt. - - - - -	0	1	
Soot, per ton - - - - -	0	6	5
Spades and shovels, per dozen - - - - -	0	2	
Spirits, per tun - - - - -	4	0	
Spokes, carriage, waggon, or cart, per 120 - - - - -	0	1	
Starch, per cwt. - - - - -	0	2	
Staves, barrel, per 120 - - - - -	0	1	10
hogshead, per 120 - - - - -	0	2	
pipe, per 120 - - - - -	0	2	
cutting, or board ends, per 1,000 - - - - -	0	2	
Steel, per cwt. - - - - -	0	1	
Stones, viz. :—			15
Rubble, per ton - - - - -	0	1	
Freestone, per ton - - - - -	0	2	
Pavement, per ton - - - - -	0	2	
Curb, per ton - - - - -	0	2	
Causeway stones, per ton - - - - -	0	1	20
Grindstones, each - - - - -	0	2	
Millstones, each - - - - -	0	6	
Ragstones, per 120 - - - - -	0	2	
Gravestones, each - - - - -	1	0	
Sugarcandy, per cwt. - - - - -	0	2	25
Sulphur ore, per ton - - - - -	0	6	
Tallow, per cwt. - - - - -	0	1½	
Tar, per barrel - - - - -	0	2	
Tea, per common chest - - - - -	0	3	
Ditto, per double chest - - - - -	0	6	30
Tiles, viz. :			
Drain-tiles, per 1,000 - - - - -	0	3	
Pantiles, per 1,000 - - - - -	0	3	
Maltster's, per 1,000 - - - - -	0	8	
Tin of all kinds, per ton - - - - -	0	6	35
Tow, per cwt. - - - - -	0	1	
Treenails, per 1,000 - - - - -	0	2	
Trees, young, per barrel bulk - - - - -	0	2	
Turnips and mangold, per ton - - - - -	0	3	
Turpentine, per carboy - - - - -	0	2	40
Varnish, per cwt. - - - - -	0	1	
Vitriol, per carboy - - - - -	0	2	
Whalebone, per cwt. - - - - -	0	1	
Wheels, carriage or cart, per pair - - - - -	0	3	
Whitening, per ton - - - - -	0	6	45
Wine, per tun - - - - -	4	0	

		s.	d.	A.D. 1874.
	Wire and wire netting, per cwt.	-	0 1	<i>Eyemouth.</i>
	Wood: On all timber of any denomination, not otherwise charged, per			
	load of 50 feet	-	0 2	
5	Mahogany, per load of 40 feet	-	1 0	
	Wool, per cwt.	-	0 6	
	Yarn, cotton, per barrel bulk	-	0 3	
	Linen, per barrel bulk	-	0 3	
	Wick for candles, per barrel bulk	-	0 3	
10	Woollen, per barrel bulk	-	0 3	
	Yeast, per puncheon	-	0 4	
	All heavy articles not particularly mentioned in the schedule, per ton	-	0 6	
	Every article, however small, not otherwise charged	-	0 0½	

- All goods not enumerated in the above schedule to be charged in proportion to other goods of a similar kind specified in the schedule.
- 15 Goods imported and shifted to another vessel for exportation, and not landed, to pay only single duty.
- All goods having paid shore dues outwards are exempted from dues when brought inwards if they be returned goods to the original shipper and in the original state.
- 20 Five cubic feet, not exceeding two and a half hundredweight, to be rated a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated a barrel bulk.
- 25 In weighing and measuring goods for ascertaining the shore dues payable, the weight or measurement of the packages is to be included.

## GREAT YARMOUTH.

*Great  
Yarmouth.*

- Order for the construction of works in connexion with the South Pier at Great Yarmouth, and to amend the Great Yarmouth Port and Haven Act, 1866.*
- 30

1. This Order and the Acts incorporated herewith shall be read along with the Great Yarmouth Port and Haven Act, 1866, in this Order called "The Local Act," and the Local Act and this Order and the incorporated Acts shall be read together as one Act.
- Local Act and Order to be read together.
- 35 2. The Great Yarmouth Port and Haven Commissioners (in this Order called "the Commissioners") appointed under "the Local Act" shall be the Undertakers for carrying this Order into execution.

[169.]

E 2

*Great  
Yarmouth.*  
Incorporation  
of Lands  
Clauses Acts.  
Purchase of  
lands.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order.

4. For the purposes of the works authorised by this Order, the Commissioners may from time to time by agreement enter on, take, and use all or such parts 5 of the lands or foreshore shown on the plans deposited for the purposes of this Order as they think requisite.

Lands for  
extraordinary  
purposes.

5. The Commissioners may purchase and hold for extraordinary purposes land not exceeding in extent in the whole three acres.

Extraordinary  
purposes  
defined.

6. The extraordinary purposes for which the Commissioners may purchase 10 lands under this Order are the construction of all such breakwaters, spurs, groynes, revetments, jetties, and other works in connexion with the south pier, or with the north pier, or any present or future pier belonging to or within the port of Great Yarmouth, or near thereto respectively, and in the parish of Great Yarmouth in the counties of Norfolk and Suffolk, or one of them, and in the 15 parish of Gorleston in the county of Suffolk, or one of those parishes, or the shore or bed of the sea adjoining to the same respectively, as may from time to time be considered necessary by the Commissioners for the protection, support, or improvement of the said piers or any of them, or the shore, beach, or land adjoining or near to the same respectively, and sanctioned or approved of by 20 the Board of Trade.

Power to make  
works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Commissioners may on the lands or foreshore taken by them 25 under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the extension of breakwater, breakwater, and works authorised by this Order.

Description  
of works  
authorised.

8. The works authorised by this Order comprise the following : 30

- (1.) An extension of the present south-eastern breakwater commencing at the southern extremity thereof, and extending thence in a direct line therewith for a distance of 180 feet or thereabouts :
- (2.) A breakwater commencing on the southern side of the south pier, near the pilot house, and extending thence in a south-westerly direction 35 for a distance of 300 feet or thereabouts :
- (3.) Two or more groynes extending from the cliff to below low-water line, and lying to the southward of the back roadway leading down to the beach near the south pier, and a revetment in continuation of the present revetment which extends in a south-westerly direction from 40 the said pier.

Works to be  
part of the  
Commissioners  
undertaking.

9. The extension of breakwater, breakwater, groynes, revetments, and works authorised by this Order, shall, for the purposes of management and maintenance, and in all other respects, be deemed works of the Commissioners as if they had been authorised by the Local Act.

A.D. 1874.

*Great  
Yarmouth.*  
Schedules to  
Harbour Act  
cancelled and  
new schedules  
substituted.

10. On and after the first day of September one thousand eight hundred and seventy-four, the second, third, and fourth schedules to the Local Act shall be deemed to be and are hereby cancelled, and the first, second, and third schedules to this Order shall be deemed to be and are hereby respectively substituted in the place of the second, third, and fourth schedules to the Local Act, and the Local Act shall be construed accordingly: Provided that any rates and duties due to the Commissioners before the first day of September one thousand eight hundred and seventy-four may be recovered as the rates and duties contained in the schedules to this Order are recoverable.
11. The Commissioners shall, on the requisition of the owner or master of any fishing vessel of any description entering into or departing from the haven for catching fish, and for no other trading purpose, compound with such owner or master for the payment of a fixed rate per ton as a composition for the several rates and dues which would be otherwise payable under this Order during any year, commencing the 25th day of March, in respect of such vessel, and the fish unloaded from or carried by such vessel, such composition to be calculated having regard to the scale of rates and dues in the first and second schedules to this Order, and every composition under this section shall be for one year only, and no rates due or paid shall be taken as part of or deducted from the composition: Provided always, that in order to obtain the benefit of the composition in respect of any fishing vessel, the owner or master thereof shall make and leave at the office of the Commissioners a requisition, in writing, at any time previous to the commencement of or during the year in respect to which the composition is required, and stating therein the name and tonnage of the vessel and the name and residence of the owner or master thereof, and the year for which the composition is required: Provided also, that every such composition shall be made with all such owners or masters on the same terms without favour to any above others.
12. Every vessel, yacht, or boat passing through the Haven Bridge (other than seaborne vessels in respect of which all rates payable under the Local Act and this Order have been duly paid) shall be liable to the charge for opening the bridge for the passage thereof; and no vessel, yacht, or boat shall be exempt from the payment of such charge on account of its being exempt from or not paying rates or tolls under the Local Act and this Order; and the 59th section of the Local Act shall be read and construed accordingly.
13. No chalk carried on any of the rivers within the port of Great Yarmouth shall be exempt from the river tolls leviable under the Local Act or this Order, except chalk carried on any such rivers by the occupier of agricultural land for use upon his land as manure or for some agricultural purpose in connexion with such land, and the 113th section of the said Act shall be read and construed accordingly.
14. The master and owner of every vessel upon or from which any fish, animals, or goods chargeable with any tolls, rates, or dues under the Local Act or this Order shall be shipped or unshipped shall, immediately after the shipping or unshipping of such fish, animals, or goods, become and be liable

Yearly composition for fishing vessels of any description.

All vessels passing through the Haven Bridge to pay the charges for opening the bridge, except certain seaborne vessels.

Chalk carried on rivers not to be exempt from river tolls unless destined for agricultural use.

Recovery of rates on goods by distress and sale of.



A.D. 1874. for the payment to the Commissioners of all such tolls, rates, and dues, and if he refuse or neglect to pay the same or any part thereof the Commissioners shall have the same remedy for enforcing payment by distress and sale of the vessel, her tackle, apparel, and furniture, and exercisable in the same manner as they have under the 44th section of The Harbours, Docks, and Piers Clauses Act, 1847 (incorporated with the Local Act), for enforcing payment of the rates referred to in that section. 5

Masters and owners to have lien on goods. 15. The master or owner of any vessel shall have a lien upon all fish, animals, or goods in respect to which he shall have paid any such toll, rate, or due as aforesaid, and may lawfully detain and hold possession of such fish, animals, or goods until he has been repaid the amount so paid by him, and in case such amount shall not be repaid to him within one calendar month (or in the case of green fish or perishable articles of any kind within a reasonable time, circumstances considered), after demand thereof on the owner or consignee of the fish, animals, or goods, either personally or by letter sent by post addressed to such owner or consignee at his last known place of abode, it shall be lawful for such master or owner to make sale of a competent part of the fish, animals, or goods detained by him, and to apply the proceeds of such sale in reimbursing himself the amount of tolls, rates, or dues so paid by him, the expenses of keeping the fish, animals, or goods detained by him, and the charges attending the sale, and he shall render the overplus (if any) of the proceeds of such sale to the owners or consignees of the fish, animals, or goods sold. 15 20

Certain fishing vessels under stress of weather exempt from rates. 16. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the port and haven and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 25

Power to borrow on mortgage. 17. The Commissioners may from time to time borrow at interest, in addition to the sum of sixty thousand pounds authorised to be borrowed under the Local Act, any further sums, not exceeding in the whole the sum of fifteen thousand pounds, on mortgage of their rates, dues, and tolls (other than river tolls), and other property under the Local Act and this Order; and all provisions contained in or incorporated with the said Act with respect to borrowing and re-borrowing the said sum of sixty thousand pounds, and with respect to the sinking fund and the money borrowed, shall apply to borrowing and re-borrowing the money borrowed under this Order. 30 35

Existing mortgages to have priority. 18. All mortgages of the Commissioners granted under the powers contained in the Local Act, or any Act thereby repealed, and subsisting at the time of the passing of the Act confirming this Order, shall, during the continuance of such mortgages, have priority over all mortgages made under this Order. 40

Application of money borrowed. 19. Every part of the money borrowed under this Order shall be applied only for the purposes of the Local Act and this Order.

Certain sections of Harbours, Docks, and Piers Clauses Act, 1847, not to be incorporated. 20. Sections 16, 17, 18, 19, 25, and 26 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order. 45

21. The Commissioners shall, at the outer extremity of the extension and breakwater authorised by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the corporation of Trinity House, Deptford Strond.

A.D. 1874.

*Great Yarmouth.*  
Light to be exhibited.

5 22. In the following cases, that is to say,

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

Powers of Order to cease in certain events.

10 (2.) If such works after having been commenced shall be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

15 A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

20 23. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights under Crown.

25 24. All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Commissioners.

Costs of Order.

25 25. This Order may be cited\* as "The Great Yarmouth Port and Haven Order, 1874."

hort title.

30

## SCHEDULES to which the foregoing Order refers.

### THE FIRST SCHEDULE.

#### RATES ON VESSELS.

£ s. d.

35 For every vessel entering or departing from the haven (not being a vessel otherwise charged in this schedule for such entering or departing) :—

For every such vessel under the burden of 150 tons,

per register ton 0 0 4

[169.]

E 4

A.D. 1874.

*Great  
Yarmouth.*

	£	s.	d.
For every such vessel of the burden of 150 tons and upwards, per register ton	0	0	8
(But this rate shall not be payable on any such vessel departing from the haven and having paid the rate on entering therein.)			5
For every vessel entering into the haven for refuge only under the burden of 150 tons - - - - per register ton	0	0	4
Of the burden of 150 tons and upwards - per register ton	0	0	8
(This rate is to be charged but once in respect of the same voyage.)			10
For every vessel entering into or departing from the haven, and landing or embarking passengers, in addition to the above rates:—			
In respect of every passenger landing or embarking - - -	0	0	1
For every steam or other vessel entering into or departing from the haven for the sole purpose of towing vessels			
per register ton per annum	0	10	0
(This rate to be payable for each year commencing on the 25th day of March, and to be due and payable on the day in each respective year on which the vessel shall for the first time in that year enter into or depart from the haven.)			20
For every lighter departing from or entering into the haven, and conveying fish, animals, or goods to or from any vessel in Yarmouth Roads within the port, if the vessel do not enter into or depart from the haven, for each trip from and to, or, as the case may be, to and from the haven - - - - per ton	0	0	4
For every vessel prosecuting the herring fishery and entering into or departing from the haven at any time during the herring season, in the months of August, September, October, November, and December, or any of them:—			30
If decked, for each herring season - - - -	1	0	0
If not decked - - - -	0	10	0
For every vessel, prosecuting the mackerel fishery and entering into or departing from the haven at any time during the mackerel season, in the months of April, May, June, and July, or any of them, for each mackerel season - - - -	0	10	0
(These rates to be due and payable on the day in each respective fishing season on which the vessel shall for the first time in that season enter into or depart from the haven.)			40
For every vessel remaining in the haven beyond one month, whether for trade or for refuge, for every additional month after the first month, a fraction of a month being considered as one month, per register ton - - - -	0	0	2

A.D. 1874.

*Great  
Yarmouth.*

## THE SECOND SCHEDULE.

RATES OR DUES ON ANIMALS, FISH, AND GOODS, BUT NOT INCLUDING  
FRESH AND UNCURED FISH.

		£	s.	d.			
5	Ale, porter, beer, cider, perry, oil (not otherwise enumerated in this schedule), and vinegar	-	-	- per butt	0	0	6
	Ditto	-	-	- per puncheon	0	0	4½
	Ditto	-	-	- per hogshead	0	0	3
	Ditto	-	-	- per barrel	0	0	2
10	Ditto	-	-	- per kilderkin or runlet	0	0	1
	Ditto in bottles	-	-	- per dozen	0	0	1
	Bottles, empty	-	-	- per gross	0	0	2
	Casks, empty	-	-	- each	0	0	0½
	Bricks and tiles :—						
15	Gutter, pan, mathematical, and plain tiles	-	-	- per 1,000	0	1	0
	Bricks and paving tiles	-	-	- per 1,000	0	1	0
	Carriages :—						
	Four-wheeled carriages	-	-	- each	0	2	6
	Two-wheeled carriages	-	-	- each	0	1	9
20	Cattle :—						
	Horses	-	-	- each	0	0	6
	Bulls, oxen, cows	-	-	- each	0	0	4
	Calves	-	-	- each	0	0	2
	Sheep	-	-	- per score	0	1	0
25	Lambs	-	-	- per score	0	0	6
	Pigs	-	-	- each	0	0	0½
	Clays, pipe-clay and fire-clay	-	-	- per ton	0	0	6
	Clay, common	-	-	- per ton	0	0	2
	Cloth, haberdashery, and the like not enumerated herein						
30				per barrel bulk	0	0	2
	Coals, coke, culm, cinders, and breeze	-	-	- per ton	0	0	6
	Cotton and wool	-	-	- per pack of 240 lbs.	0	0	8
	Glass or earthenware	-	-	- per crate	0	0	4
	Grain and seeds :						
35	Wheat, barley, malt, oats, beans, peas, tares, buckwheat, Indian corn, canary, mustard, flax, rape, cotton, linseed, rye-grass, and other light seeds	-	-	- per quarter	0	0	2
	Ditto	-	-	- per ton	0	1	0
	Flour	-	-	- per sack	0	0	1
40	Ditto	-	-	- per barrel	0	0	1
	Meal, middlings and sharps	-	-	- per quarter	0	0	1
	Pollard and bran	-	-	- per quarter	0	0	1
	Ditto	-	-	- per ton	0	0	6

[169.]

F

[169.]

F

A.D. 1874.		Grain and seeds— <i>cont.</i>	£	s.	d.
<i>Great Yarmouth.</i>		Clover, trefoil, and other heavy seeds - - - per sack	0	0	2
		Ditto - - - - - per ton	0	1	0
		Groceries:—			
		Sugar, dried fruits, bacon, cheese, butter, pork, beef, hams, tongues, salt (except salt for fisheries), salted fish, tallow, soap, candles, tobacco, alum, kelp, and all heavy grocery goods not enumerated herein - - - per ton	0	1	0
		Rice - - - - - per ton	0	1	0
		Rice, uncleaned, used in manufactures - - - per ton	0	0	6
		Tea, coffee, and spices - - - - - per cwt.	0	0	1½
		Oranges and lemons - - - - - per chest	0	0	1
		Molasses - - - - - per puncheon	0	0	6
		Salt for fisheries - - - - - per ton	0	0	6
		Madder - - - - - per cwt.	0	0	1
					15
		Green groceries:—			
		Potatoes, onions - - - - - per sack	0	0	0½
		Apples, pears, and green fruit - - - per bushel	0	0	0½
		Hops - - - - - per pocket	0	0	6
		Ditto - - - - - per barrel	0	0	4
					20
		Beet, turnips, carrots, and the like roots - - - per ton	0	0	6
		Hardware - - - - - per barrel bulk	0	0	3
		Hay, straw, cinquefoil, and clover - - - per ton	0	1	0
		Hemp, flax, cordage, and yarn - - - per ton	0	1	0
		Herrings (salted or otherwise cured) - - - per barrel	0	0	2
		Herrings (salted in bulk) - - - per last	0	1	0
		Household furniture - - - per barrel bulk	0	0	1
		Ice - - - - - per ton	0	0	4
		Leather:—			
		Tanned hides (leather and calf skins) - - - per cwt.	0	0	1
		Raw hides - - - - - each	0	0	1
		Pelts - - - - - per hundred	0	0	5
		Tan and bark - - - - - per ton	0	1	0
		Lime - - - - - per ton	0	0	6
		Machinery, husbandry, and other utensils - - - per ton	0	1	8
		Ditto - - - - - per barrel bulk	0	0	4
		Manures:—			
		Guano and artificial manures, bones, bone dust, herring scales, and the like - - - per ton	0	0	10
		Street and stable manures and nightsoil - - -	Free.		40
		Marl, loam, mould, gravel, sand, uncallow, chalk, mud for manu- facturing uses, stones for manufacturing uses, stones (broken or otherwise) for repair of roads - - - per ton	0	0	2
		Metals and ores:—			
		Bar, bolt, rod, manufactured iron, iron castings - - - per ton	0	1	0
		Pig and old iron - - - - - per ton	0	0	8

Metals and ores— <i>cont.</i>										£	s.	d.	A.D. 1874.					
Copper, lead, pewter, brass, tin, and all metals not enumerated herein										-	-	-	per ton	0	1	0	Great Yarmouth.	
Ores and pyrites										-	-	-	per ton	0	0	6		
5	Musical instruments:—																	
	Organs										-	-	-	each	0	5	0	
	Pianofortes, harpsichords, harps, bass viols										-	-	-	each	0	1	6	
	Paraffin, petroleum, benzoline, turpentine, and other inflammable oils										-	-	-	per barrel	0	1	0	
10	Pitch, tar, grease, and resin										-	-	-	per barrel	0	0	3	
	Tar water to be used in any manufacture, ammoniacal liquor, and the like										-	-	-	per ton	0	0	2	
	Rags, old rope, and the like										-	-	-	per ton	0	0	8	
	Rape cakes and other oil cakes										-	-	-	per ton	0	0	10	
15	Spirits and wines										-	-	-	per pipe or butt	0	1	0	
	Ditto										-	-	-	per hogshead	0	0	6	
	Ditto										-	-	-	per quarter cask	0	0	3	
	Ditto										-	-	-	per octave	0	0	2	
	Spirits and wines under 20 gallons										-	-	-	at per gallon	0	0	0½	
20	Ditto in bottles										-	-	-	per dozen	0	0	1	
	Stone, slate, plaster of Paris, cement stone										-	-	-	per ton	0	0	8	
	Marble										-	-	-	per cubic foot	0	0	1½	
	Asphalte, cement, and coprolites										-	-	-	per ton	0	0	6	
	Vitriol										-	-	-	per carboy	0	0	3	
25	Wood:—																	
	Oak, elm, pine, beech, fir, and other descriptions of wood not enumerated herein										-	-	-	per Custom-house load	0	1	0	
	Deals and battens										-	-	-	per Custom-house load	0	1	0	
	Lathwood										-	-	-	per Custom-house load	0	1	0	
30	Pipe staves										-	-	-	per Custom-house load	0	1	0	
	Firewood										-	-	-	per Custom-house load	0	1	0	
	Mahogany, teakwood, lignum vitæ, fustic, logwood, and rosewood										-	-	-	per ton	0	1	0	
<hr/>																		
35	All goods not particularly enumerated in the above table or schedule:—																	
	Light goods										-	-	-	per barrel bulk	0	0	2	
	Heavy goods										-	-	-	per ton	0	1	4	
40	In charging the rates on fish and goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified in this schedule, a proportion of the respective rates shall be charged.																	
45	Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.																	
	[169.]																	
	F 2																	

A.D. 1874.		£	s.	d.
<i>Great Yarmouth.</i>	Rates or dues on fish, fresh or uncured :—			
	Herrings - - - - - per thousand	0	0	2
	Mackerel - - - - - per hundred	0	0	1
	Codfish - - - - - per score	0	0	1 5
	Fish in packages, not exceeding 56 lbs. in weight, per package	0	0	2
	All other fish in packages exceeding 56 lbs. in weight or not in packages - - - - - per ton	0	1	8
	In charging the rates on fish or goods the gross weight or measurement to be taken, and for any less weights, measures; and quantities than those specified in this schedule a proportion of the respective rates shall be charged.			10
	Animals, fish, or goods imported and shifted to another vessel for exportation to, the original port of destination to pay one rate only on importation and exportation.			15
	Animals, fish, or goods imported and unloaded from any vessel entering for refuge only and reloaded by the same vessel for exportation to its original port of destination - - - - - Free.			
	Animals, fish, and goods loaded from any wharf into any vessel, lighter or keel, and carried to another wharf and unloaded there within the haven, one-fourth part of the rates or duties from time to time charged in respect of animals, fish, and goods imported or exported.			20

THE THIRD SCHEDULE.

RIVER RATES OR TOLLS ON VESSELS.

For every vessel navigating or using the rivers, or any of them, or any part thereof, other than registered vessels trading by sea from port to port, per ton burden or carrying power per annum - - - - - 1s. 0d.  
 (This rate to be payable for each year commencing on the 25th day of March, and to be due and payable on the day in each respective year on which the vessel shall for the first time in that year navigate or use the rivers, or any of them, or any part thereof.)

RIVER RATES OR TOLLS ON ANIMALS, FISH, AND GOODS.

One-third part of the rates or tolls on animals, fish, and goods as respectively specified in the second schedule.

*Kinsale.*

KINSALE.

35

*Order for amending "The Kinsale Harbour Order, 1870."*

Order of 1870 and this Order to be read together.

1. This Order shall be read along with the Kinsale Harbour Order, 1870 (in this Order called the Order of 1870), and the Order of 1870 and this Order

shall be construed as one Order, and may be cited as "The Kinsale Harbour Order, 1874," and the Order of 1870 and this Order may be cited together as "The Kinsale Harbour Orders, 1870 and 1874."

2. So much of the Order of 1870 as enacts that the prescribed number (constituting a quorum) of the Commissioners shall be seven, shall be and is hereby repealed; and on and after the 1st day of September 1874 the prescribed number (constituting a quorum) of the Commissioners shall be five.

3. On and after the 1st day of September 1874 the schedule to the Order of 1870 shall be deemed to be and is hereby cancelled, and the schedule to this Order shall be deemed to be and is hereby substituted in place of the schedule to the Order of 1870, and the Order of 1870 shall be construed accordingly.

4. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with the Order of 1870 or with this Order; namely, sections 6 to 11 inclusive, and 16 to 19 inclusive.

5. The Commissioners may from time to time or at any time borrow on mortgage on the security of the estates and property of the Commissioners and of all or any part or parts of the rates, dues, and tolls by the Order of 1870 and this Order, or either of them, authorised to be taken, or any of  
20 such estates, property, rates, dues, or tolls, any sum or sums not exceeding in the whole the sum of fifteen thousand pounds which may be required for the purposes of carrying out the said Order of 1870 and this Order, or either of them; and any money borrowed under the authority of this Order and discharged may be re-borrowed, if required, for the purposes  
25 aforesaid.

Power to borrow money.

6. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by the Order of 1870 or this Order.

7. The clauses of "The Commissioners Clauses Act, 1847," relating to mortgages to be executed by the commissioners shall be incorporated with this Order.

8. All costs, charges, and expenses of and incidental to the obtaining of this Order and otherwise incurred in relation thereto shall be paid by the Commissioners.

**The SCHEDULE to which the foregoing Order refers.**

### 35 I.—RATES ON VESSELS USING OR ENTERING THE PORT AND HARBOUR OF KINSALE.

							s.	d.
	On all coasting vessels and steamers entering the harbour, windbound,							
	or to discharge or to load cargo, of 10 tons registered, or upwards,							
40	per registered ton	-	-	-	-	-	0	1
	[169.]	F 3						



A.D. 1874.

*Kinsale.*

	s.	d.	
On all foreign-going ships anchoring in the harbour, per registered ton	0	1	
On all foreign-going ships entering the harbour to discharge or load cargo, per registered ton	-	0	3
For every fishing hooker and sailing fishing vessel, whether partly or wholly decked, belonging to the harbour, or entering and using the harbour for the purpose of the fishery, payable in advance, annually the sum of	-	10	0

II.—RATES ON GOODS SHIPPED OR UNSHIPPED, RECEIVED OR DELIVERED  
WITHIN THE PORT AND HARBOUR OF KINSALE.

	s.	d.	
Bricks and tiles, per ton	0	1½	
Cattle—bulls, cows, oxen, and horses, each	0	1	
Cattle—calves, pigs, sheep, and lambs, each	0	0½	
Clover, turnips, and other seeds, not being corn, per sack	0	1½	15
Coals, per ton	0	1	
Deals, per 120	2	0	
Flour, per ton	0	1½	
Malt and grain, per ton	0	1½	
Gunpowder, per barrel	0	0½	20
Iron, per ton	0	1½	
Ice, per ton	0	1½	
Lead, per ton	0	1½	
Guano, and all other artificial manure, per ton	0	6	
Meal, per ton	0	1½	25
Potatoes, per ton	0	1	
Salt, per ton	0	1	
Slates, per ton	0	1½	
Timber of all kinds, per load of 50 feet	0	2	
All other goods not particularly enumerated above.			30
Light goods, per barrel bulk	0	1	
Heavy goods, per ton	0	2	

In charging the rates on all goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportionate part of the respective rate shall be charged. 35

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

III.—RATES FOR BALLAST.

	s.	d.	
All vessels not belonging to the port, for any quantity taken on board to pay per ton	0	2	

A.D. 1874.

## LYBSTER.

*Lybster.*

*Order for power to levy rates, and for the confirmation of certain existing arrangements with reference to the Harbour of Lybster, in the parish of Latheron, in the county of Caithness.*

- 5 1. The Most Noble William John Cavendish Bentinck Scott, Duke of Portland, his heirs and assigns, or other the person or persons for the time being entitled to the receipt of the rents, rates, and profits of the harbour of Lybster, in the parish of Latheron in the county of Caithness, shall be the Undertakers for carrying this Order into execution. Definition of Undertakers.
- 10 2. The limits of the harbour within which the Undertakers shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise so much of the area below high-water mark of the sea or bay of Lybster as lies within a straight line drawn from the high-water mark at spring tides at the furthest projecting point of land at the western head of the said bay, called "the Stack," to the high-water mark at the most projecting point on the eastern head of the same bay, called "Ceann Grainag," and also the burn of Reisgill up to the new stone bridge over the same. Definition of limits.
- 20 3. After the passing of the Act confirming this Order, no works below high-water mark shall be commenced by or under the authority of the Undertakers within the limits of this Order without the consent of the Board of Trade having been first obtained, and sections twelve and thirteen of the Harbours, Docks, and Piers Clauses Act, 1847, as amended by the Harbours Transfer Act, 1862, shall extend and apply to all such works. If any works below high- Works not to be commenced without consent of Board of Trade, otherwise rates to cease.
- 25 water mark shall be commenced by or under the authority of the Undertakers within such limits without the consent of the Board of Trade, then from the time of commencement of such works the power by this Order conferred on the Undertakers to levy rates shall cease, but may at any time be revived by certificate of the Board of Trade after compliance by the Undertakers, with
- 30 such terms or conditions (if any) as the Board of Trade may see fit to impose on the Undertakers.
4. Subject and according to the provisions of this Order, and on and after the first day of September one thousand eight hundred and seventy-four, the Undertakers may for the use of the harbour and works demand and receive Power to levy rates.
- 35 for and in respect of the vessels, animals, goods, and things described in the schedule to this Order any sum not exceeding the rates specified in such schedule.
5. On and after the first day of September one thousand eight hundred and seventy-four all tolls, rates, dues, or other payments heretofore payable, Existing rates to cease.
- 40 demanded, or received by the Duke of Portland or his predecessors in title in right of ownership of the harbour of Lybster shall cease to be payable, and shall no longer be demanded or received.

A.D. 1874.

*Lybster.*Board of Trade  
may reduce  
rates.

6. After the accounts of the expenditure and receipts in respect of the harbour subsequent to the thirty-first day of October one thousand eight hundred and sixty-nine shall show that the total expenditure on the harbour and works after that day, together with interest on each item of expenditure from the date when it was incurred at the rate of five pounds. per centum per annum, has been repaid out of receipts, then if at any time and from time to time the clear annual income derived from the harbour on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the annual sum of six hundred pounds, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid annual sum of six hundred pounds, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order. 10 15

Annual  
account to be  
sent to Board  
of Trade.

7. The Undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. 20

Certain fishing  
vessels under  
stress of  
weather ex-  
empt from  
rates.

8. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 25

Exemption of  
Customs  
officers.

9. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the harbour, and works by land, and with their vessels and otherwise, without payment. 30

Confirmation  
of arrange-  
ment with the  
Treasury.

10. The Undertakers shall be bound by and perform the obligations of the bond granted in or about the month of October in the year 1849 by Andrew Snody and the Honourable Robert Dunbar (then trustees for the estate in which the harbour is situate) to the Commissioners for the British White Herring Fishery, whereby, in consideration of a Parliamentary grant of six thousand pounds, advanced for the purpose of enlarging, improving, and repairing the harbour, the obligors under that bond bound and obliged themselves as trustees foresaid, and their successors in office, and also the person or persons who might succeed to or acquire the said estate of Lybster, or the lands on which the said harbour is situated, to give to all British and Irish boats employed in the fisheries, or carrying fish taken in the fisheries or materials for the prosecution of the said fisheries, and all boats resorting to the said harbour for refuge during tempestuous weather, or from any other temporary cause, free 35 40 45

ingress to and landing at the harbour, with free egress therefrom, without the said boats, fish, or materials aforesaid being subjected to the payment of harbour or port dues, shore dues, fish tithes, or dues of any kind whatsoever, and that under the penalty of ten pounds sterling for each time that free

A.D. 1874.

*Lybster.*

- 5 ingress to and landing at or egress from the said harbour free of all dues as aforesaid should be refused or prevented, declaring that the aforesaid exemptions did not extend to fish or the boats carrying them unless such fish should be in their natural state, or to such portions of the cargoes of said boats as might happen to be of a different description from that before
- 10 specified, except in the case of boats resorting to the said harbour for refuge, or from any other temporary cause; and whereby also the said trustees also bound and obliged themselves and their aforesaid to keep, uphold, and maintain the said harbour in good and sufficient order and repair from and after the time when the works (therein mentioned) should have been completed and
- 15 finally inspected and approved of by the engineer employed by the said Commissioners for the British White Herring Fishery, and in all time thereafter, so that boats should always have the same facilities of access thereto and accommodation thereat as at the time of the final inspection by the said engineer, but so that the obligation should not be held or construed to be binding on them or their aforesaid beyond the amount of the
- 20 funds collected from vessels, boats, and craft frequenting or entering the said harbour, and not exempted as aforesaid, of which funds they bound and obliged themselves and their aforesaid to keep an exact account, and to render the same or certified copies thereof to the said Commissioners for the British White
- 25 Herring Fishery as often as the same should be required by them.

11. The Undertakers shall at all times after the passing of the Act confirming this Order, at their own expense, keep, uphold, and maintain the harbour and the works connected therewith, including the weir or silt catcher, on the burn of Reisgill, in good and sufficient order and repair, but shall not
- 30 be bound to expend for such purposes a greater sum than the balance, after deducting all money (if any) previously expended for the same purposes after the thirty-first day of October one thousand eight hundred and sixty-nine, of the total amount of the rates, tolls, and dues, including weir dues received by the Undertakers or their predecessors, in title, after the thirty-first day of
- 35 October one thousand eight hundred and sixty-nine. The Board of Trade may, if they see fit, at any time and from time to time inquire into and certify the balance (if any) liable to be so expended on the harbour and works, and such certificate shall be conclusive for all purposes.

Owners to keep harbour in repair.

12. The rates received under this Order shall be applied for the purposes and in the order following, and not otherwise; that is to say,

Application of harbour rates.

- (1.) In paying the costs, charges, and expenses of applying for and obtaining this Order, or preparatory or incident thereto:
- (2.) In defraying the cost of the maintenance, repair, management, and regulation of the harbour and works:
- 45 (3.) Any surplus shall belong to the Undertakers for their own use.

[169.]

G

*Lybster.*  
Excepting  
certain sections  
of Harbours,  
Docks, and  
Piers Clauses  
Act, 1847.

13. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections numbered 6 to 11 both inclusive, 16 to 19 both inclusive, and 24 to 26 both inclusive.

Meters and  
weighers.

14. The Undertakers shall have the appointment of meters and weighers on 5 or in connection with the harbour.

Light to be  
exhibited.

15. The Undertakers shall at the outer extremity of the harbour exhibit from sunset to sunrise such light or lights, if any, and in such positions as shall from time to time be directed by the Commissioners of Northern Lighthouses.

Power to make  
byelaws.

16. The Undertakers may make byelaws for the regulation and control 10 of the fishermen and others, and goods and traffic; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Saving of  
rights under  
Crown Lands  
Act, 1866.

17. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the 15 Board of Trade by "The Crown Lands Act, 1866," nor shall any such rights, interests, powers, authorities, or privileges be affected without the consent of the Board of Trade having been first obtained.

Short title.

18. This Order may be cited as "The Lybster Harbour Order, 1874."

#### SCHEDULE to which the foregoing Order refers.

20

##### I.—DUES ON VESSELS USING THE HARBOUR.

For every vessel or boat each time of entering the Harbour there shall be paid:—

	£	s.	d.	
If under the burden of fifteen tons - - - per ton	0	0	1	25
From fifteen tons to forty-five tons - - - per ton	0	0	2	
From forty-five tons upwards - - - per ton	0	0	4	
For vessels coming in ballast - - - per ton	0	0	2	
(But no vessel having a part of a cargo or any article cleared out at a custom house shall be considered in ballast.)				30
For any vessel that may remain in the harbour for a longer period than ten days at any one time during the fishing season, from 1st July to 1st November, one additional tonnage rate not exceeding the amount of the above rates shall be paid.				
For any vessel that may lie up or winter in the harbour - per ton	0	0	6	35
For every boat using the harbour during the fishing season there shall be paid as weir due for clearing out the weir or silt-catcher on the burn - - - - -	0	10	0	

## II.—RATES ON GOODS SHIPPED OR UNSHIPPED.

A.D. 1874.

			£	s.	d.
	For salt, coal, or lime	- - - - -	per ton	0	0 4
	For grain or meal	- - - - -	per boll	0	0 1
5	For potatoes	- - - - -	per boll	0	0 2
	For all kinds of wood, 2½ per cent. on the price.				
	For slates	- - - - -	per 1000	0	1 0
	For tiles	- - - - -	per 1000	0	0 6
	For ale or beer	- - - - -	per barrel bulk	0	0 2
10	For cured herrings or other fish	- - - - -	per barrel	0	0 1
	For empty barrels	- - - - -	each	0	0 0½
	For bark in bulk	- - - - -	per ton	0	1 0
	For cutch bark	- - - - -	per ton	0	1 6
	For hemp	- - - - -	per ton	0	1 0
15	For bricks	- - - - -	per 1000	0	1 0
	For burnwood	- - - - -	per ton	0	0 8
	For freestone	- - - - -	per ton	0	0 4
	For pavement	- - - - -	per ton	0	0 4
	For tar	- - - - -	per barrel	0	0 3
20	For oilcake	- - - - -	per ton	0	0 4
	For manures	- - - - -	per ton	0	0 4
	For other articles or commodities	- - - - -	per barrel bulk	0	0 2
	For cattle, viz.:—				
	Bulls	- - - - -	each	0	0 3
25	Cows and oxen	- - - - -	each	0	0 2
	Calves	- - - - -	each	0	0 0½
	Horses	- - - - -	each	0	0 2
	Pigs	- - - - -	each	0	0 0½
	Sheep	- - - - -	per score	0	0 6
30	Lambs	- - - - -	per score	0	0 3
	Other animals not here specified	- - - - -	each	0	0 0½

Goods transferred from one vessel to another within the harbour without being landed on quays to pay same rates as if landed.

The barrel bulk shall be held to contain five cubic feet.

35 *Exemptions.*

All boats employed in the fisheries, or carrying fish in their natural state taken in the fisheries or materials for the prosecution of the fisheries, shall be exempt from all dues except the weir due; and all vessels or boats resorting to the harbour for refuge during tempestuous weather or from any other

40 temporary cause shall be exempt from all dues.

So much of the cargo of any boat employed in the fisheries as consists of fish in their natural state, or materials for the prosecution of the fisheries, shall be exempt from all rates.

45 All returned empty boxes, barrels, sacks, and packages shall be exempt from all rates.

The furniture and luggage of fishermen coming to and returning from the herring fishing at the commencement or end of the fishing season shall be exempt from all rates.

A.D. 1874.

*Lybster.*

## III.—RATES FOR WEIGHING.

1. *Cranes.*

				£	s.	d.
All goods or packages not exceeding one ton	-	-	-	0	0	4
Exceeding one ton and „ two tons	-	-	-	0	0	6 5
„ two tons „ three tons	-	-	-	0	0	8
„ three tons „ four tons	-	-	-	0	0	10
„ four tons „ five tons	-	-	-	0	1	0
„ five tons „ six tons	-	-	-	0	1	2
„ six tons „ seven tons	-	-	-	0	1	4 10
„ seven tons „ eight tons	-	-	-	0	1	6
„ eight tons „ nine tons	-	-	-	0	1	10
„ nine tons „ ten tons	-	-	-	0	2	4
„ ten tons	-	-	-	0	3	6

Or in lieu of the above rates

15

For each hour or part of an hour - - - - 0 1 0

2. *Weighing Machines.*

For goods weighed, for each ton or part of a ton - - 0 0 2

## IV.—RATES FOR GANGWAYS.

For each horse	-	-	-	-	0	0	9	20
For each bull, cow, ox, or calf	-	-	-	-	0	0	6	
For each score or part of a score of sheep or lambs	-	-	-	-	0	0	6	
For each pig or other animal not here specified	-	-	-	-	0	0	3	

## V.—SHED DUES.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt. which shall remain in the sheds, or on the pier, for a longer time than 48 hours, for the first day or part of a day	-	0	0	3	25
And for each day thereafter	- - - per ton	0	0	1½	
For each portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day	- - -	0	0	2	30

## VI.—BALLAST DUES.

Receiving - - - - -	per ton	0	0	10
Discharging - - - - -	per ton	0	0	8

## SANDOWN.

A.D. 1874.

*Sandown.**Order for the construction, maintenance, and regulation of a Pier at Sandown, in the Isle of Wight.*

1. The Sandown Pier Company (Limited), in this Order called "the Com- Undertakers.  
5 pany," shall be the Undertakers of the works authorised by this Order.
2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869" (except Lands Clauses  
so much thereof as relates to the purchase and taking of lands otherwise than Acts incorpo-  
by agreement), shall be incorporated with this Order. rated.
3. For the purposes of the works authorised by this Order, the Undertakers Power to take  
10 from time to time may, by agreement, enter upon and take and may use such lands by agree-  
of the lands and such parts of the foreshore shown on the plans deposited for ment.  
the purpose of this Order as they think requisite.
4. Subject to the provisions of this Order, and subject also to such alteration Power to  
15 (if any) in the deposited plans as the Board of Trade require from time to execute works.  
time before the completion of the works, in order to prevent injury to navigation,  
the Undertakers may, on the lands or foreshore taken by them under this Order,  
and in the lines and according to the levels shown on the deposited plans and  
sections (so far as the same are shown thereon), and within the limits of  
deviation shown on those plans, make and maintain the works authorised by  
20 this Order.
5. The works authorised by this Order comprise the following:— Description of  
A pier or jetty at Sandown, in the parish of Brading, in the Isle of Wight, works autho-  
commencing at a point called Battery Road Slipway, shown on the rised.  
25 deposited plans, and extending in a southerly direction across the  
foreshore and into the sea for a distance of seven hundred feet or there-  
abouts :  
All necessary dredgings, moorings, breakwaters, piers, quays, wharves,  
warehouses, sheds, stages, slips, docks, sluices, locks, landing-places,  
bridges, approaches, and other works and conveniences in the waters and  
30 on the foreshore adjoining the same, and in connexion with the intended  
pier or works before described.
6. The Undertakers may from time to time erect upon the pier or approaches Further powers  
toll-houses, waiting, refreshment, and other rooms, and may sell or lease such as to works  
houses and rooms, and may also sell or lease the tolls, rates, and duties autho- and lease of  
35 rised to be taken by this Order upon such terms and conditions and for such rooms, tolls,  
period as they may think fit ; and the purchasers of the tolls, rates, and duties &c.  
authorised to be taken by this Order, and the lessee or lessees thereof during  
the continuance of his or their lease, shall have and may exercise the same  
power of levying and recovering the said rates as the Undertakers have or  
40 might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847,"  
and this Order, and shall be subject to all the same provisions as to accounts  
and otherwise to which the Undertakers are made subject by this Order.

[169.]

G 3



A.D. 1874.

*Sandown.*  
Power to take  
rates according  
to schedule to  
this Order.

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works, demand 5 and receive in respect of persons, and things described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule.

Board of Trade  
may reduce  
rates.

8. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid up capital of the Company on the average of the then three last preceding years exceed the rate of ten pounds per cent. per annum on such paid up capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the said rates shall 15 thereupon be reduced accordingly, with power to the Board of Trade at any time, and from time to time, if and when the profits fall below the said rate of ten per cent. per annum, to authorise the Company to raise the rates again to not exceeding the amounts specified in the schedule to this Order.

Annual account  
to be sent to  
Board of  
Trade.

9. The Company, within one month after sending to the clerk of the peace 20 the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and 25 every such account.

Certain fishing  
vessels under  
stress of  
weather  
exempt from  
rates.

10. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier 30 authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may  
contract with  
persons for  
the use of the  
pier.

11. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier, on such terms and for such a period not exceeding one year as are agreed on, but so that no preference be given to any person. 35 A pass ticket shall not be transferable, and shall not be used by any person, except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be 40 recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act.

Custom House  
officers exempt  
from rates.

12. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land, 45 and with their vessels and otherwise, without payment.

13. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effecting any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable. A.D. 1874.  
*Sandown.*  
Steam engines,  
diving bells,  
lighters, &c.
14. The Undertakers may make byelaws for the regulation and control of the fishermen and others, and goods and traffic on the pier and works authorised by this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. Power to make  
byelaws.
15. The Undertakers shall have the appointment of meters and weighers on and in connexion with the pier. Meters and  
weighers.
16. The Company shall, at the outer extremity of the pier and works authorised by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. Lights to be  
exhibited.
17. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections sixteen to nineteen inclusive, twenty-one to twenty-four inclusive, twenty-seven, thirty-four to forty-six inclusive, forty-eight, forty-nine, and sixty-six to sixty-eight inclusive. Parts of Har-  
bours, &c.  
Act, 1847,  
excepted.
18. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers. Restriction on  
use of pier.
19. No vessel or boat, except steamboats and pleasure boats embarking or disembarking passengers and their luggage, shall be allowed to be moored alongside the pier without the consent of the Undertakers, and then only upon such terms as shall be approved by the Board of Trade. Vessels not to  
be moored to  
pier without  
consent.
20. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the parish of Brading, and within the jurisdiction of the justices acting in or for the county of Southampton. Pier to be  
deemed within  
parish of Bra-  
ding and county  
of South-  
ampton.
21. In the following cases; (that is to say.)
- (1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or
- (2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months;
- the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade. Powers to  
cease on  
certain events.

- A.D. 1874. A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.
- Sandown.*
- Saving rights under Crown Lands Act, 1866. 22. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained. 5 10
- Repeal of previous Order of 1864. 23. "The Sandown Pier Order, 1864," confirmed by "The Pier and Harbour Orders Confirmation Act, 1864," shall be and the same Order is hereby, from and after the passing of the Act confirming this Order, repealed.
- Costs of Order. 24. All the costs, charges, or expenses of and incidental to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company. 15
- Short title. 25. This Order may be cited as "The Sandown Pier Order, 1874."

SCHEDULE to which this Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.		20
For every passenger or other person who shall land on the pier or works from any steam or other vessel, packet, passage boat, or other boat, or embark therefrom on board any steam or other vessel, packet, passage boat, or other boat, any sum not exceeding	s. d.	0 6 25
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0 3	
For every bath or sedan chair taken on the pier, for each and every time any sum not exceeding	0 6 30	
For every perambulator	0 4	
For any master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20 0	
II.—RATES ON PASSENGERS LUGGAGE.		35
For every trunk, portmanteau, box, parcel, or other package whatsoever within the description of luggage, shipped or unshipped at or within the pier or works, not exceeding 28 lbs.	0 2	
Over 28 lbs. and not exceeding 84 lbs.	0 4	

					s.	d.	A.D. 1874.
	Over 84 lbs. and not exceeding 112 lbs.	-	-	-	0	5	—
	Over 112 lbs. and not exceeding 140 lbs.	-	-	-	0	6	<i>Sandown.</i>
	Over 140 lbs. and not exceeding 196 lbs.	-	-	-	0	7	
5	Over 196 lbs. and not exceeding 2 cwt.	-	-	-	0	8	
	And for every cwt. beyond	-	-	-	0	4	
	And for every 20 lbs. weight in addition	-	-	-	0	1	

III.—RATES FOR SUPPLYING WATER ON PIER.

Water, per ton	-	-	-	-	0	6
----------------	---	---	---	---	---	---

10 IV.—WEIGHING MACHINES.

For goods weighed for each ton or part of a ton	-	-	-	0	2
---	---	---	---	---	---

SIDMOUTH. *Sidmouth*

15 *Order for the construction, maintenance, and regulation of Piers, Landing-places, and other works at Sidmouth, in the parish of Salcombe Regis in the county of Devon.*

1. John Dunning, of Middlesbrough in the North Riding of the county of Undertakers.  
York, and Sidmouth in the county of Devon, gas engineer, his heirs, executors,  
administrators, and assigns, or other the person or persons from time to time  
entitled to the possession or to the receipt of the rents, rates, and profits of the  
20 works to which this Order relates, shall be the Undertakers of the works  
authorised by this Order, and shall have and may exercise the several powers,  
privileges, and authorities by this Order conferred on the Undertakers, and  
may carry this Order in all respects into execution.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except so Incorporation  
25 much thereof as relates to the purchase or taking of lands otherwise than by of Lands  
agreement) shall respectively be incorporated with this Order. Clauses Act.

3. The limits within which the Undertakers shall have authority, and which, Limits.  
except where otherwise expressly provided by this Order, shall be deemed the  
limits to which this Order and the power to levy rates extend, shall comprise  
30 the works by this Order authorised, and the lands, foreshore, and sea contained  
within the same, and shall include the area within a distance of ten yards  
measured in any direction from the outer western side of the West Pier (such  
limit in no case extending into the parish of Sidmouth or westward of the  
western limits of deviation shown on the plans deposited with reference to this  
35 Order), and within a distance of fifty yards measured in any direction from the  
other outer sides of the piers.

4. For the purposes of the works authorised by this Order, the Under- Power to take  
takers from time to time may appropriate, or may by agreement enter upon lands by agree-  
and take and may use, such of the lands shown on the plans deposited for the ment.  
40 purposes of this Order as they think requisite for the purposes of the piers and  
landing-places, and the works and conveniences connected therewith.

A.D. 1874.

*Sidmouth.*  
Power to make  
works.

5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order, as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Undertakers may, on the lands appropriated by them or taken by them under this Order, and in the lines and situations and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on these plans, make and maintain the piers, landing-places, and works authorised by this Order.

Description  
of works  
authorised.

6. The works authorised by this Order comprise the following :— 10

1. A pier or jetty, to be called the " West Pier," in the parish of Salcombe Regis in the county of Devon, with landing-places, approaches, and other conveniences connected therewith ; such pier or jetty to commence at a point situate about one hundred and five feet measured eastward from the eastern end of and in a line with the existing sea wall, and extending thence seaward in a southerly direction, and terminating in the sea at a point distant three hundred and forty-five feet, or thereabouts, from the aforesaid point of commencement : 15

2. A pier or jetty, to be called the " East Pier," in the said parish of Salcombe Regis, with all proper landing-places, sea walls, roads, approaches, tramways, and other conveniences connected therewith, such pier or jetty to commence at a point situate about three hundred and eighty-five feet measured in an easterly direction, and in line with the existing sea wall from the east end of such sea wall, extending thence seaward in a southerly direction for a distance of one hundred and seventy feet into the sea, and thence curving and extending in a westerly direction for a distance of two hundred and forty-feet, or thereabouts : 20

All such sea walls, roads, approaches, landing-places, and other works connected with the said piers, for the convenient loading and unloading of vessels, and for embarking and landing of passengers, cattle, coals, goods, merchandise, and things as shall be deemed necessary. 25 30

Provided always, that if the Undertakers shall in any way interfere with the public path or bridge over the river Sid to Salcombe Cliff, they shall construct, to the satisfaction of the local authority of Salcombe Regis, a new path in lieu of the path or portion of path interfered with, and also a new bridge in lieu of the bridge interfered with, both path and bridge to be equally convenient for the use of the public. 35

Penalty for  
obstructing  
works.

7. Every person who wilfully obstructs any person acting under the authority of the Undertakers, in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding five pounds. 40

Power to take  
rates in  
schedule.

8. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Undertakers may, subject and according to 45

the provisions of this Order, for the use of the piers, landing-places, tramways, works, and conveniences connected therewith, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things described in the schedule to this Order any sums not exceeding the rates in that schedule mentioned: Provided nevertheless, that no toll, due, or other payment shall be demanded or received from any vessel or boat landing or embarking passengers or goods upon or otherwise using the foreshore or beach within the limits of this Order, unless such vessel or boat shall use some part of the works constructed under the authority of this Order, or the shelter by such works provided between the said piers, and then only such tolls and dues as are hereby authorised.

A.D. 1874.

*Sidmouth.*

9. The Undertakers may from time to time erect upon or near the piers or landing-places, or the approaches thereto, tramways, toll-houses, seats, waiting, refreshment, and other rooms, and being owners in fee simple may sell, let, and lease their undertaking and works, or any part or parts thereof, or the tolls, rates, duties, and other charges authorised to be taken by this Order, to such person or persons, company, local authority, commissioners, or corporation, upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit, and any owner for an estate less than a fee simple may let or lease as aforesaid for any term not exceeding fourteen years at the best rent to be reasonably obtained without a premium, and the purchaser or lessee shall have and may exercise all the same powers of levying and recovering tolls, rates, and dues as the Undertakers have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise as the Undertakers are subject to under this Order.

Further powers as to works and to sell or lease undertaking.

10. If at any time, and from time to time, the clear annual income derived from the pier and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per cent. per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the amounts specified in the schedule to this Order.

Board of Trade may reduce rates.

11. The Undertakers, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account.

Annual account to be sent to Board of Trade.

A.D. 1874.

*Sidmouth.*  
Certain fishing  
vessels under  
stress of  
weather exempt  
from rates.

12. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the piers authorised by this Order, and not breaking bulk while making use thereof, be 5 exempt from rates leviable under this Order.

Pass tickets for  
use of pier.

13. The Undertakers may grant to passengers, promenaders, and others pass tickets for the use of the pier and works at such rates, on such terms, and for such periods not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable 10 nor used by any person other than the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties 15 are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Exemptions  
of Custom  
House officers  
from rates.

14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress from, to, over, and along the piers 20 and works by land and with their vessels without payment.

Steam engines,  
cranes, moor-  
ing posts, &c.

15. The Undertakers may provide and use such steam-engines, piling engines, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Undertakers, or for any of 25 the purposes of this Order; and may demand and take such sums for the use thereof as they think reasonable.

Restriction and  
use of piers.

16. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at any pier, jetty, or landing-place authorised by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which in 30 the judgment of the Undertakers might in any way interfere with the use of the piers, jetties, or passengers' landing-places, for recreation or for embarking or landing of passengers, except at the places provided for the purpose of landing or shipping of cattle, merchandise, and other like things.

Power to  
borrow.

17. The Undertakers may from time to time borrow at interest such money 35 as may be required for carrying into effect the purposes of this Order, not exceeding the sum of ten thousand pounds, on the security of the piers and other works, and the rates and dues authorised by this Order, and any money which, under the provisions of this Order, shall become charged on the rates authorised by this Order, and shall be discharged otherwise than by means of 40 the sinking fund in this Order mentioned, may be re-borrowed if required for the purposes of this Order, and so toties quoties.

Commissioners  
Clauses Act  
as to mortgages  
incorporated.

18. The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall be incorporated

with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest. A.D. 1874.  
Sidmouth.

19. The mortgagees of the undertakers may enforce payment of arrears of interest, or of principal and interest, due on their respective mortgages by the appointment of a receiver at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorise a receiver is one thousand pounds, in one or more mortgage bonds or debentures. Appointment of receiver.
- 10 20. Every part of the moneys borrowed under this Order shall be applied only for the purposes of this Order. Application of money borrowed.
21. The rates received under this Order shall be applied for the purposes and in the order following, and not otherwise ; that is to say, Application of rates and income.
- 15 1. In paying the expenses of and connected with the applying for, obtaining, and making of this Order :
2. In paying the cost of the maintenance, repair, management, and regulation of the pier, landing-places, and other works by this Order authorised :
- 20 3. In paying year by year the interest of money borrowed under this Order, or otherwise becoming a charge on the rates received under this Order :
4. In creating a sinking fund in manner and so far as the circumstances of the case will admit in the proportion directed by the Commissioners Clauses Act, 1847 :
- 25 5. So much of the rates as may remain after answering the several purposes aforesaid shall belong to the Undertakers for their own use.
22. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, or within the limits of this Order, requiring the cognizance of any justice of the peace, be deemed and taken to be within the same jurisdiction as that part of the shore with which it shall immediately communicate. Pier to be deemed within the contiguous jurisdiction.
- 30 23. Sections 16, 17, 18, and 19 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order. Parts of Harbours, &c., Act excepted.
24. The Undertakers shall have the appointment of meters and weighers on or in connexion with the piers. Meters and weighers.
- 35 25. The Undertakers shall, at the outer extremity of the piers and works authorised by this Order, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. Light to be exhibited.
- 40 26. The Undertakers may make byelaws for the regulation and control of the fishermen and others, and goods and traffic, on the piers and works authorised by this Order ; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. Power to make byelaws.



A.D. 1874.	27. No vessel or boat shall, without the consent of the pier-master, anchor below low-water mark within a distance of fifty yards measured in any direction from any part of the works by this Order authorised to be constructed, nor above low-water mark within the parish of Salcombe Regis east of the western limit of deviation shown on the said deposited plans.	5
<i>Sidmouth.</i> Vessels not to anchor within fifty yards without consent. Powers to cease in certain events.	28. In the following cases ; (that is to say) 1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced ; or, 2. If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion be extended by the special direction of the Board of Trade.	10 15
Board of Trade certificate to be conclusive evidence.	A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.	15
Saving rights under Crown Lands Act, 1866.	29. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.	20 25
Saving rights of Corporation of Exeter.	30. This Order shall not be taken to prejudice, take away, or affect such legal rights (if any) as the Corporation of Exeter may have within the limits within which the Undertakers have authority under this Order.	25
Costs of Order.	31. All the costs, charges, and expenses of and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Undertakers.	30
Short title.	32. This Order may be cited as " The Sidmouth Piers Order, 1874."	

SCHEDULE to which the foregoing Order relates.

I.—RATES ON VESSELS, &C. USING THE PIER, OR ENTERING WITHIN OR LEAVING THE LIMITS OF THIS ORDER.				35
		£	s.	d.
For every vessel under the burden of 15 tons -	- per ton	0	0	4
For every vessel of the burden of 15 tons and under 50 tons -	-	„	0	0 6
For every vessel of the burden of 50 tons and under 100 tons -	-	„	0	0 8
For every vessel of the burden of 100 tons and under 150 tons -	-	„	0	0 10

		£	s.	d.	A.D. 1874.
	For every vessel of the burden of 150 tons and upwards	per ton	0	1	0
	All lighters, for each trip	- - - - -	0	0	6
	All boats, entirely open, landing or taking on board				
5	goods	- - - - - each	0	0	6

*Sidmouth.*

II.—RATES FOR ANIMALS, GOODS, FISH, &C., SHIPPED, OR UNSHIPED, OR TRANSHIPPED AT THE PIERS AND LANDING-PLACES, OR WITHIN THE LIMITS OF THIS ORDER.

*For Animals.*

10	Bulls	-	-	-	-	-	-	-	each	0	1	0
	Calves	-	-	-	-	-	-	-	„	0	0	4
	Cows and Oxen	-	-	-	-	-	-	-	„	0	0	8
	Horses	-	-	-	-	-	-	-	„	0	1	0
	Pigs	-	-	-	-	-	-	-	„	0	0	4
15	Sheep	-	-	-	-	-	-	-	„	0	0	4
	Lambs	-	-	-	-	-	-	-	„	0	0	2
	Light goods	-	-	-	-	-	-	-	per cubic foot	0	0	1
	Heavy goods	-	-	-	-	-	-	-	per ton	0	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

*For Fish.*

	Herrings	- - - - -	per basket or pad	0	0	3
	Mackerel	- - - - -	per 120	0	0	2
25	Pilchards	- - - - -	per hogshead	0	0	6
	Turbot	- - - - -	per score	0	1	6
	Turtle	- - - - -	each	0	2	6
	Other fish	- - - - -	per cwt.	0	0	3
	Ditto	- - - - -	per basket or pad	0	0	2

30 III.—RATES FOR USE OF WEIGHING MACHINES.

For goods weighed, for each ton or part of a ton - - - 0 0 2

IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding	-	0	0	4
35	For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each time any sum not exceeding	- - - - -	0	0	4
40	For every bath or sedan chair taken on the pier, for each time any sum not exceeding	- - - - -	0	0	6

[169.]

H 4

A.D. 1874.

*Sidmouth.*

	£	s.	d.
For every perambulator taken on the pier, for each time any sum not exceeding - - - - -	0	0	2
For every master of any vessel, boat, or wherry using the said pier for the purpose of going or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - -	1	0	0
			5

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - -	0	0	2
Over 28 lbs. and not exceeding 84 lbs. - - -	0	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	0	5
Over 112 lbs. and not exceeding 140 lbs. - - -	0	0	6
Over 140 lbs. and not exceeding 196 lbs. - - -	0	0	7
Over 196 lbs. and not exceeding 2 cwt. - - -	0	0	8
And for every cwt. beyond - - -	0	0	4
And for every 20 lbs. weight in addition - - -	0	0	1
			15

VI.—RATES FOR USE OF TRAMWAY.

For every passenger using the tramway, for each time any sum not exceeding - - - - -	0	0	3
Light goods, per cubic foot - - - - -	0	0	1
Heavy goods, per ton not exceeding - - - - -	0	2	0
For passengers' luggage, rates not exceeding rates on same for use of pier.			

*Tees.*

TEES.

*Order for extending the time for the completion of Graving Dock authorised by the Tees Conservancy Act, 1867.* 25

The Acts and this Order to be read together.

1. This Order shall be read along with the Tees Conservancy and Stockton Dock Act, 1852, the Tees Conservancy Act, 1854, the Tees Conservancy Act, 1858, the Tees Conservancy Act, 1863, (in this Order called the Act of 1863,) and the Tees Conservancy Act, 1867, (in this Order called the Act of 1867); and the Act of 1863 and the Act of 1867 and this Order shall be construed together as one Act. 30

Extension of time for completion of graving dock.

2. Notwithstanding anything in the Act of 1867 contained, the time for the completion of the graving dock and other works authorised by that Act shall be five years after the passing of the Act confirming this Order, and on the expiration of that period the powers by the Act of 1867 and by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such dock and works as may be completed within the before-mentioned period. 35

3. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor of any rights, powers, or authorities reserved to the Board of Trade by the Act of 1867.

*Tees.*  
Saying rights  
under Crown  
Lands Act,  
1866.

5 4. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Tees Conservancy Commissioners.

Cost of Order.

5. This Order may be cited as "The Tees Conservancy Order, 1874."

Short title.

## YARMOUTH (ISLE OF WIGHT).

*Yarmouth,*  
*I. W.*

### 10 *Order for the construction, maintenance, and regulation of a Pier and other works at Yarmouth, in the Isle of Wight and county of Southampton.*

1. The mayor and chief burgesses of the borough of Yarmouth, in the Isle of Wight, their successors and assigns, or other the person or persons from time to time entitled to the possession or to the receipt of the rents, rates, and profits of the works to which this Order relates, shall be the Undertakers of the works authorised by this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the Undertakers, and may carry this Order in all respects into execution.

Undertakers.

20 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except so much thereof as relates to the purchase or taking of lands otherwise than by agreement) are hereby respectively incorporated with this Order.

Incorporation  
of Lands  
Clauses Acts.

3. For the purposes of the works authorised by this Order, the Undertakers from time to time may appropriate or may by agreement enter upon and take, and may use, such of the lands and such parts of the foreshore shown on the plans deposited for the purpose of this Order and the conveniences connected therewith as they think expedient.

Power to take  
lands by  
agreement.

4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Undertakers may, on the lands or foreshore appropriated by them or taken by them under this Order, and in the lines and situations and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order.

Power to  
make works.

5. The works authorised by this Order comprise the following:—  
A pier and jetty at Yarmouth, in the Isle of Wight and county of Southampton, with a landing place and all necessary works and conveniences for the embarking and landing of passengers, goods, and

Description  
of works  
authorised.

A.D. 1874.

*Yarmouth,  
I.W.*

merchandise, and for other purposes. The pier shall be constructed of open pile work, and shall commence at or near the northern extremity of a certain street in Yarmouth, called Bank Street, and shall extend seaward for a distance of 700 feet or thereabouts.

Power to take rates.

6. When a certificate has been obtained by the Undertakers from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the pier and works authorised by this Order have been given, the Undertakers may, subject and according to the provisions of this Order, for the use of the pier and works connected therewith, demand and take in respect of vessels, persons, goods, and things described in the schedule to this Order, any sums not exceeding the rates in that schedule mentioned. 5 10

Further power as to works, and to sell or lease undertaking.

7. The Undertakers may from time to time erect upon or near the pier or the approaches thereto toll-houses, seats, waiting, refreshment, and other rooms, and may lease their undertaking and works or any part or parts thereof, or the tolls, rates, duties, and other charges authorised to be taken by this Order, for any term not exceeding twenty-one years in possession, at the best rent to be reasonably obtained without premium, to such person or persons, company, local authority, commissioners, or corporation, upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit; and the lessee shall have and may exercise all the same powers of levying and recovering tolls, rates, and dues as the Undertakers have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise as the Undertakers are subject to under this Order. 15 20

Rates to be revised from time to time.

8. The Undertakers shall keep separate accounts of the duties and rates received by them under this Order, and shall from time to time revise such rates so that the total produce of the rates received under this Order may always be as far as practicable sufficient and not more than sufficient to meet the payments and expenditure authorised or directed by this Order. 25

Copy of annual account to be sent to Board of Trade.

9. The Undertakers, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. 30 35

Certain fishing vessels under stress of weather exempt from rates.

10. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 40

Pass tickets for use of pier.

11. The Undertakers may grant to passengers, promenaders, and others pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods not exceeding one year as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable 45

nor be used by any person other than the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act.

A.D. 1874.  
Yarmouth,  
I.W.

12. Officers of customs in the execution of their duty shall at all times have free passage and ingress from, to, and over the pier and works by land and with their vessels without payment.

Exemption of  
Custom House  
officers from  
rates.

13. The Undertakers may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle and other machinery, vessels, apparatus, and conveniences, as they think proper for carrying on the business of the Undertakers, or for any of the purposes of this Order, and may demand and take such sums for the use thereof, as they think reasonable.

Steam engines,  
diving bells,  
lighters, &c.

14. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier, jetty, or landing-place authorised by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Undertakers might in any manner interfere with the use of the pier, jetty, or landing-place for recreation, or for the embarking or landing of passengers.

Restriction on  
use of pier.

15. The Undertakers may from time to time borrow at interest such money as may be required for carrying into effect the purposes of this Order, not exceeding the sum of three thousand five hundred pounds, on the security of the pier and other works and the rates and dues authorised by this Order, either alone or together with any rent, tolls, or rates payable to or authorised to be taken by the Undertakers under the Yar Bridge Act, 1858; and any money which shall be borrowed under the provisions of this Order, and shall be discharged otherwise than by means of the sinking fund in this Order mentioned, may be reborrowed if required for the purposes of this Order, and so from time to time.

Power to  
borrow.

16. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest; and throughout such incorporated provisions the expression "the special Act" shall mean this Order; and the amount to be yearly appropriated and set apart as a sinking fund to be applied in paying off the principal moneys borrowed may be any sum not less than one thirtieth part of the sum so borrowed.

Commissioners  
Clauses Act as  
to mortgages  
incorporated.

17. The mortgagees of the Undertakers may enforce payment of arrears of interest or of principal and interest due on their respective mortgages by the

Appointment  
of receiver.

A.D. 1874. Yarmouth, I.W.	appointment of a receiver at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorise a receiver is one thousand pounds in one or more mortgage bonds or debentures.	
Application of money borrowed.	18. Every part of the moneys borrowed under this Order shall be applied only for the purposes of this Order.	5
Application of rates and income.	19. The rates received under this Order shall be applied for the purposes and in the Order following and not otherwise; (that is to say,) 1. In paying the expenses of and connected with the applying for, obtaining, and making of this Order : 2. In paying the cost of the maintenance, repair, management, and regulation of the pier, jetty, and landing-place, and other works by this Order authorised : 3. In paying year by year the interest of money borrowed under this Order, or otherwise becoming a charge on the rates received under this Order : 4. In creating a sinking fund in manner and so far as the circumstances of the case will admit in the proportion directed by this Order : 5. So much of the rates as may remain after answering the several purposes aforesaid shall be applied in the general improvement of the pier and works authorised by this Order.	10 15 20
Pier to be deemed within the contiguous jurisdiction.	20. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon requiring the cognizance of any justices of the peace, be deemed and taken to be within the same jurisdiction as that part of the shore with which it shall immediately communicate.	
Parts of Harbours, &c., Act, 1847, excepted. Meters and weighers.	21. Sections 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order. 22. The Undertakers shall have the appointment of meters and weighers on or in connexion with the pier.	25
Light to be exhibited.	23. The Undertakers shall, at the outer extremity of the pier and works authorised by this Order, exhibit from sunset to sunrise such light, if any, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.	30
Power to make byelaws.	24. The Undertakers may make byelaws for the regulation and control of the fishermen and others, and goods and traffic, on the pier and works authorised by this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.	35
Powers to cease in certain events.	25. In the following cases, (that is to say) 1. If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced, or 2. If such works after having been commenced should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works	40 45

as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade. A.D. 1874.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate. *Yarmouth, I.W.*

26. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. *Saving rights under Crown Lands Act, 1866.*

27. All the costs, charges, and expenses of and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Undertakers. *Costs of Order.*

28. All expenses (including cost of works) and other moneys authorised to be paid by the Undertakers under this Order may be paid by them out of any moneys received by them under the Yar Bridge Act, 1858. *Expenses may be paid out of moneys under Yar Bridge Act.*

29. This Order may be cited as "The Yarmouth (Isle of Wight) Pier Order, 1874." *Short title.*

## 20 SCHEDULE to which the foregoing Order relates.

### I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	£	s.	d.
For every passenger or other person who shall land on the pier form, or embark from it, on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding	0	0	3
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding	0	0	2
For every bath or sedan chair taken on the pier, for each time any sum not exceeding	0	0	6
For every perambulator taken on the pier, for each time any sum not exceeding	0	0	6
For every master of any vessel, boat, or wherry, using the said pier for the purpose of going or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0	0

### II.—RATES ON PASSENGERS' LUGGAGE.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package, within the description of luggage, not exceeding 28 lbs.	0	2

[169.] I 3



A.D. 1874.

Yarmouth,  
I.W.

					s.	d.
Over	28 lbs. and not exceeding	84 lbs.	-	-	0	4
"	84 lbs.	"	112 lbs.	-	0	5
"	112 lbs.	"	140 lbs.	-	0	6
"	140 lbs.	"	196 lbs.	-	0	7 5
"	196 lbs.	"	2 cwt.	-	0	8
And for every cwt. beyond					0	4
And for every 20 lbs. weight in addition					0	1

## III.—RATES ON VESSELS ENTERING OR USING THE PIER.

For every vessel under the burden of 15 tons	-	-	0	4	10
For every vessel of the burden of 15 tons and under 50 tons	-	-	0	6	
For every vessel of the burden of 50 tons and under 100 tons	-	-	0	8	
For every vessel of the burden of 100 tons and under 150 tons	-	-	0	10	
For every vessel of the burden of 150 tons and upwards	-	-	1	0	
All lighters shall pay for each trip	-	-	0	2	15
All boats entirely open landing or taking on board goods, each	-	-	0	4	

## IV.—RATES ON GOODS SHIPPED OR UNSHIPED AT THE PIER.

Ale	-	-	-	-	per hogshead	0	6	
Ditto, bottled	-	-	-	-	per barrel bulk	0	3	
Bark	-	-	-	-	per ton	1	0	20
Beef or pork	-	-	-	-	per ton	1	4	
Beef or pork	-	-	-	-	per barrel	0	2	
Blubber	-	-	-	-	per tun of 252 gallons	1	0	
Bone dust	-	-	-	-	per ton	0	8	
Bones of cattle	-	-	-	-	per ton	0	6	25
Bottles	-	-	-	-	per gross	0	2	
Bricks	-	-	-	-	per 1,000	0	8	
Casks, empty, not being returned packages	-	-	-	-	per puncheon	0	3	
Other casks in proportion.								
Cattle—bulls	-	-	-	-	each	0	3	30
— cows and oxen	-	-	-	-	each	0	2	
— calves	-	-	-	-	each	0	0½	
— horses	-	-	-	-	each	0	2	
— pigs	-	-	-	-	each	0	0½	
— sheep	-	-	-	-	per score	0	6	35
— lambs	-	-	-	-	per score	0	3	
Chalk	-	-	-	-	per ton	0	8	
Chimney cans	-	-	-	-	per 100	1	4	
Clay, fire, manufactured	-	-	-	-	per ton	0	6	
Clay, common	-	-	-	-	per ton	0	2	40
Cloth, haberdashery, &c.	-	-	-	-	per barrel bulk	0	2	
Coaches—chaises and other four-wheeled carriages	-	-	-	-	each	0	8	
— gigs, carts, and other two-wheeled carriages	-	-	-	-	each	0	6	
Coals—Scotch, English, Smithy, and Culm	-	-	-	-	per ton	0	3	
Copper	-	-	-	-	per ton	1	4	45

		<i>s.</i>	<i>d.</i>	A.D. 1874.
	Corks - - - - - per barrel bulk	0	2	<i>Yarmouth, I.W.</i>
	Corn, viz., wheat and malt - - - - - per quarter	0	3	
	— barley, beans, peas, tares, oats, rye, buckwheat, and Indian			
5	corn - - - - - per quarter	0	2	
	Crystal - - - - - per barrel bulk	0	2	
	Dissolved bones and other artificial manures - - - per ton	0	8	
	Dogs, sporting only - - - - - each	0	2	
	Drugs - - - - - per barrel bulk	0	3	
10	Earthenware - - - - - per crate	0	8	
	Eggs - - - - - per barrel bulk	0	2	
	Fish, dried and salted - - - - - per ton	1	4	
	Haddocks, cod, salmon, and all fresh fish not enumerated			
	per barrel bulk	0	2	
15	Flax - - - - - per ton	1	4	
	Flour - - - - - per sack	0	2	
	Ditto - - - - - per barrel	0	1½	
	Glass - - - - - per barrel bulk	0	3	
	Groceries, viz., almonds, figs, cinnamon, currants, pepper, pimento,			
20	plums, prunes, raisins, and the like - - - per barrel bulk	0	3	
	Guano - - - - - per ton	0	8	
	Gunpowder - - - - - per barrel	0	3	
	Hardware - - - - - per barrel bulk	0	3	
	Hares and rabbits - - - - - per dozen	0	2	
25	any less quantity	0	1	
	Hay - - - - - per ton	0	8	
	Hemp - - - - - per ton	1	4	
	Herrings, fresh - - - - - per cran	0	1	
	Ditto, cured - - - - - per barrel	0	3	
30	Hides—ox, cow, or horse, salted or dried - - - per ton	1	4	
	— calf skins - - - - - per 120	0	10	
	— sheep skins - - - - - per 120	0	10	
	— lamb skins - - - - - per 120	0	5	
	Hoops of wood - - - - - per 1,500	1	0	
35	Household furniture, new - - - - - per barrel bulk	0	1	
	Household furniture, belonging to parties changing their residence			
	only - - - - - per 10 barrels bulk	0	6	
	Husbandry utensils - - - - - per ton	1	4	
	Ditto - - - - - per barrel bulk	0	2	
40	Iron—bar, bolt, and rod - - - - - per ton	1	4	
	— pig or old - - - - - per ton	0	8	
	Kelp - - - - - per ton	0	8	
	Lead, all kinds - - - - - per ton	1	4	
	Leather, tanned and dressed - - - - - per ton	1	4	
45	Lime - - - - - per chaldron of 16 bolls	1	4	
	Limestone - - - - - per ton	0	3	
	Loam or moulding sand - - - - - per ton	0	3	

A.D. 1874.

*Yarmouth,  
I.W.*

								<i>s.</i>	<i>d.</i>
Machinery	-	-	-	-	-	-	per ton	1	4
Ditto	-	-	-	-	-	-	per barrel bulk	0	3
Manure, street	-	-	-	-	-	-	per ton	0	2
Meal	-	-	-	-	-	-	per bag of 280 lbs.	0	2 5
Milk	-	-	-	-	-	-	per 3 large pitchers	0	0½
Musical Instruments	-	-	-	-	-	-	per barrel bulk	0	3
Oils	-	-	-	-	-	-	per tun	1	0
Ores—copper, iron, lead, and other ores	-	-	-	-	-	-	per ton	0	8
Peats	-	-	-	-	-	-	per ton	0	3 10
Pitch	-	-	-	-	-	-	per barrel	0	3
Porter	-	-	-	-	-	-	per hogshead	0	4
Porter, bottled	-	-	-	-	-	-	per barrel bulk	0	2
Potatoes	-	-	-	-	-	-	per ton	0	6
Poultry, including pigeons, game, &c.	-	-	-	-	-	-	per dozen	0	1 15
— any less quantity	-	-	-	-	-	-	-	0	0½
Rags, Linen	-	-	-	-	-	-	per ton	1	4
Other rags, old ropes, and the like	-	-	-	-	-	-	per ton	0	10
Rape cakes	-	-	-	-	-	-	per ton	0	8
Salt	-	-	-	-	-	-	per ton	0	10 20
Seeds—flax and rape	-	-	-	-	-	-	per hogshead	0	6
— Flax	-	-	-	-	-	-	per barrel	0	3
— Flax, in bulk	-	-	-	-	-	-	per quarter	0	2
— Clover	-	-	-	-	-	-	per ton	1	4
— Garden	-	-	-	-	-	-	per ton	1	4 25
— Hemp and canary	-	-	-	-	-	-	per ton	1	4
— Rye grass	-	-	-	-	-	-	per 8 bushels	0	2
Skins, seal	-	-	-	-	-	-	per 120	0	8
Slates—under size	-	-	-	-	-	-	per 1000	0	6
— sizeable	-	-	-	-	-	-	per 1000	0	10 30
— over size	-	-	-	-	-	-	per 1000	1	4
Spirits, foreign and British	-	-	-	-	-	-	per hogshead of 56 gallons	0	8
Stones—rubble	-	-	-	-	-	-	per ton of 16 cubic feet	0	2
— hewn ashlar freestone	-	-	-	-	-	-	per ton of 16 cubic feet	0	4
— rough ashlar freestone	-	-	-	-	-	-	per ton of 16 cubic feet	0	3 35
— pavement, not exceeding 3 inches thick	-	-	-	-	-	-	per 70 feet	0	4
— pavement, above 3 inches thick	-	-	-	-	-	-	per 16 cubic feet	0	4
— scythe stones	-	-	-	-	-	-	per score	0	1
— millstones	-	-	-	-	-	-	each	0	8
Steel	-	-	-	-	-	-	per ton	1	4 40
Sugar	-	-	-	-	-	-	per ton	1	4
Tallow	-	-	-	-	-	-	per ton	1	4
Tar	-	-	-	-	-	-	per barrel	0	2
Tea	-	-	-	-	-	-	per chest	0	3
Tiles, roofing	-	-	-	-	-	-	per 1000	0	9 45
— or pipes for draining	-	-	-	-	-	-	per 1000	0	8
Tin of all kinds	-	-	-	-	-	-	per ton	1	4

		s.	d.	A.D. 1874.
	Tobacco - - - - - per ton	2	6	<i>Yarmouth,</i> <i>I.W.</i>
	Treenails, under 2 feet in length - - - per 1000	0	6	
	— exceeding 2 feet in length - - - per 1000	1	0	
5	Turnips - - - - - per ton	0	6	
	Turpentine - - - - - per hogshead	0	8	
	Vegetables - - - - - per cartload	0	2	
	Vinegar - - - - - per hogshead	0	6	
	Vitriol - - - - - per carboy	0	2	
10	Whalebone - - - - - per ton	2	6	
	Wine - - - - - per hogshead	0	8	
	— bottled - - - - - per barrel bulk	0	4	
	Wood—fir, pine, and other descriptions not enumerated			
	per load of 50 feet	0	10	
15	— oak or wainscot - - - per load of 50 feet	1	0	
	— firewood - - - - - per fathom	0	6	
	— laths and lathwood - - - per fathom of 216 cubic feet	2	6	
	— handspokes - - - - - per 120	0	10	
	— Oars - - - - - per 120	2	6	
20	— Spars under 22 feet in length, above 2½ and under 4 inches			
	diameter - - - - - per 120	2	6	
	— 2½ inches in diameter and under - - - per 120	1	4	
	— 22 feet in length and upwards, and not exceeding			
	4 inches in diameter - - - - - per 120	6	6	
25	— of all lengths above 4 and under 6 inches in diameter			
	per 120	12	0	
	— Spokes of wheels not exceeding 2 feet in length - - - per 120	0	4	
	— exceeding 2 feet in length - - - per 120	0	6	
	— Wedges - - - - - per 1000	1	0	
30	— Pipe staves, and others in proportion - per standard hundred	1	0	
	— Lignum vitæ, fustic, logwood, mahogany, and rosewood			
	per ton	1	4	
	Wool - - - - - per cwt.	0	2	
	Yarn - - - - - per ton	1	4	
35	Zinc - - - - - per ton	1	4	
	All other goods not particularly enumerated in the above table:—			
	Light goods - - - - - per barrel bulk	0	2	
	Heavy goods - - - - - per ton	1	4	
40	In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.			
	Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk, but when the weight of five cubic feet is			
45	greater than two and a half cwt., then two and a half cwt. to be rated as a barrel bulk.			

A.D. 1874. V.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

*Yarmouth,*  
*I.W.*

1. *Rates of Craneage.*

							s.	d.
All goods or packages not exceeding 1 ton	-	-	-	-	-	-	0	3
_____ exceeding 1 ton and not exceeding 2 tons	-	-	-	-	-	-	0	4 5
_____ „ 2 tons	„	3 tons	-	-	-	-	0	6
_____ „ 3 tons	„	4 tons	-	-	-	-	0	8
_____ „ 4 tons	„	5 tons	-	-	-	-	0	10
_____ „ 5 tons	„	6 tons	-	-	-	-	1	0
_____ „ 6 tons	„	7 tons	-	-	-	-	1	2 10
_____ „ 7 tons	„	8 tons	-	-	-	-	1	4
_____ „ 8 tons	„	9 tons	-	-	-	-	1	8
_____ „ 9 tons	„	10 tons	-	-	-	-	2	0
_____ „ 10 tons	-	-	-	-	-	-	3	0

2. *Weighing Machines.* 15

For goods weighed, one penny for each ton or part of a ton.

3. *Shed Dues.*

For each ton of goods of eight barrels bulk, or for each ton of goods of 20 cwt. which shall remain on the pier or works for a longer time than 48 hours, the sum of threepence, and the sum of one penny halfpenny per ton for 20 each day during which such goods shall remain after the first 48 hours.



# **Pier and Harbour Orders Confirmation. [H.L.]**

---

## **A B I L L**

INTITULED

An Act to confirm certain Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray, Buckie (Cluny), Carlingford Lough, Cattewater, Eyemouth, Great Yarmouth, Kinsale, Lybster, Sandown, Sidmouth, Tees and Yarmouth (Isle of Wight).

*(Brought from the Lords 25 June 1874.)*

---

*Ordered, by The House of Commons, to be Printed,  
25 June 1874.*

---

[Bill 169.]

*Under 10 oz.*

A

# B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray, Buckie (Cluny), Carlingford Lough, Cattewater, Eyemouth, Great Yarmouth, Kinsale, Lybster, Sandown, Sidmouth, Tees, and Yarmouth (Isle of Wight). A.D. 1874.

**W**HEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.  
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule  
15 shall, from and after the passing of this Act, have full validity and force. Confirma-  
tion of  
Orders in  
schedule.

2. Nothing contained in this Act or in the Cattewater Harbour Order hereby confirmed shall abridge, prejudice, take away, or affect any right, power, authority, or privilege vested in, exercised, or  
20 enjoyed by the Secretary of State for War, or the War Department, or any of its officers, in, on, or over Hooe Lake, or without the assent in writing of the Secretary of State for War in, on, or over any lands required for the purposes of the works authorised by the said Order. Saving  
rights, &c.  
of War De-  
partment in  
Hooe Lake,  
&c.

25 3. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1874. Short title.

[Bill 229.]

A



A.D. 1874.

## The SCHEDULE OF ORDERS.

---

- |   |    |
|---|----|
| 1. BRAY.—Construction of pier.  | 5  |
| 2. BUCKIE (Cluny).—Construction of harbour and piers.                                   |    |
| 3. CARLINGFORD LOUGH.—Amendment of former Orders.                                       |    |
| 4. CATTEWATER.—Construction of harbour and pier.  | 5  |
| 5. EYEMOUTH.—Amendment of local Act.  |    |
| 6. GREAT YARMOUTH.—Construction of harbour works and amendment of local Act.            |    |
| 7. KINSALE.—Amendment of former Order.  |    |
| 8. LYBSTER.—Power to levy rates in existing harbour.                                    | 10 |
| 9. SANDOWN.—Construction of pier.   |    |
| 10. SIDMOUTH.—Construction of piers and landing-places.                                 |    |
| 11. TEES.—Extension of time for construction of works already authorised by Parliament. |    |
| 12. YARMOUTH (Isle of Wight).—Construction of pier.                                     | 15 |

*Bray.*

### BRAY.

*Order for the construction, maintenance, and regulation of a Pier at Bray, in the County of Wicklow.*

- |                                     |   |    |
|-------------------------------------|---|----|
| Undertakers.                        | 1. The Bray Marine Iron Jetty Company (Limited), in this Order called “the Company,” shall be the Undertakers of the works authorised by this Order.  | 20 |
| Incorporation of Lands Clauses Act. | 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, shall be incorporated with this Order.   |    |
| Power to take lands by agreement.   | 3. For the purposes of the works authorised by this Order, the Company may from time to time by agreement enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith. | 25 |
| Lands for extraordinary purposes.   | 4. The Company may purchase and hold, for extraordinary purposes, any land not exceeding in extent in the whole five acres.   | 30 |
| Power to make works.                | 5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time  |    |

before the completion of the works in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on these plans, make and maintain the pier and works authorised by this Order.

A.D. 1874.

*Bray.*

6. The works authorised by this Order comprise the following :—

Description  
of works  
authorised.

10 A pier at Bray, in the county of Wicklow, with a landing-place and all necessary works and conveniences suitable for the embarking and landing of passengers and their luggage, and for other purposes, commencing at or near a point on the foreshore distant seven chains or thereabouts eastward from the eastern rail of the level crossing of the Dublin and Wicklow Railway at the Bray station of the said railway, in the township of Bray, parish of Bray, and county of Wicklow, and extending seaward in an easterly direction for a distance of 1,000 feet or thereabouts.

15 7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works, demand and receive  
20 in respect of the persons and things in the schedule to this Order specified any sums not exceeding the rates in that schedule mentioned.

Power to take  
rates according  
to schedule  
to this Order.

8. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid up capital of the Company, on the average of the then three last preceding years, exceed the rate of ten pounds  
25 per cent. per annum on such paid up capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the said rates shall thereupon be reduced accordingly, with power to the Board of Trade at any  
30 time and from time to time, if and when the profits fall below the said rate of ten per cent. per annum, to authorise the Company to raise the rates again to not exceeding the amounts specified in the schedule to this Order.

Board of Trade  
may reduce  
rates.

9. The Company within one month after sending to the clerk of the peace the copy of their annual account, in abstract, shall send a copy of the same to  
35 the Board of Trade. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of "The General Pier and " Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account.

Annual ac-  
count to be  
sent to Board  
of Trade.

40 10. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be  
45 exempt from rates leviable under this Order.

Certain fishing  
vessels under  
stress of  
weather ex-  
empt from  
rates.

A.D. 1874.

*Bray.*

Company may  
contract with  
persons for the  
use of the pier.

11. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier, on such terms and for such a period not exceeding one year as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the 5 period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks and Piers Clauses Act, 1847," for all the purposes of 10 which Act this Order shall be deemed the special Act.

Custom House  
officers exempt  
from rates.

12. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land and with their vessels and otherwise without payment.

Steam engines,  
diving bells,  
lighters, &c.

13. The Company may provide such steam engines, steam vessels, tugs, 15 piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effecting any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Lights to be  
exhibited.

14. The Company shall, at the outer extremity of the pier and works autho- 20 rised by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Commissioners of Irish Lights.

Parts of Har-  
bours, &c.,  
Act, 1847,  
excepted.

15. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections sixteen to nineteen inclusive, twenty-one to twenty-four inclusive, twenty-seven, thirty- 25 four to forty-six inclusive, forty-eight, forty-nine, and sixty-six to sixty-eight inclusive.

Restriction on  
use of pier.

16. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep, cattle, or mer- 30 chandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers.

Pier to be  
deemed within  
parish of Bray  
and county of  
Wicklow.

17. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the parish of 35 Bray, and within the jurisdiction of the justices acting in or for the county of Wicklow.

Powers to  
cease on cer-  
tain events.

18. In the following cases, (that is to say,)

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this order should not be sub- 40 stantially commenced; or

(2.) If such works after having been commenced should be virtually sus- pending for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works 45

as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade. A.D. 1874.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate. Bray.

19. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained. Saving rights under Crown Lands Act, 1866.

20. This Order shall not operate to take away or abridge such right, title, or interest (if any) as the Right Honourable William Earl of Meath, his heirs or assigns, may have into or over the foreshore within the limits affected by this Order: Provided always, that nothing herein contained shall be held to recognise or confirm any right, title, or claims of the said Earl of Meath to the foreshore aforesaid, it being the intention of this Order that the right and title to such foreshore shall remain in the same state as if this Order had not been made. Saving rights (if any) of Right Hon. William Earl of Meath.

21. Except as herein-before expressly provided, this Order shall not operate to take away or abridge any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any Local or other Act of Parliament, without the consent in writing of such person under his hand, or of such corporation under their seal. Saving for corporations, &c.

22. The Bray Pier and Harbour Order, 1867, confirmed by the Pier and Harbour Orders Confirmation Act, 1867 (No. 2), shall be and the same Order is hereby from and after the passing of the Act confirming this Order repealed. Repeal of previous Order as to Bray.

23. All the costs, charges, or expenses of and incidental to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company. Costs of Order.

24. This Order may be cited as "The Bray Pier Order, 1874." Short title.

## SCHEDULE to which the foregoing Order refers.

### I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	d.
35 For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time any sum not exceeding - - -	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0	3
40 For every bath or sedan chair taken on the pier, for each and every time any sum not exceeding - - - - -	0	6
[229.]	A	3

A.D. 1874.

*Bray.*

	s.	d.
For every perambulator, for each and every time any sum not exceeding - - - - -	0	2
For every master of any vessel, boat, or wherry, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	20	0
		5

II.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or package within the description of luggage, not exceeding 28 lbs. - - - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	8
And for every cwt. beyond - - - - -	0	4
And for every 20 lbs. weight in addition - - - - -	0	1
		15

III.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons - - - - -	10	0
------------------------------------	----	---

*Buckie (Cluny).*

BUCKIE (CLUNY).

*Order for the construction, maintenance, and regulation of Piers, 20  
Harbour, and Works at the fishing village of Buckie, in the  
parish of Rathven, and county of Banff.*

Undertakers.

1. John Gordon, Esquire, of Cluny, Cluny Castle, Aberdeenshire, his heirs, assignees, and successors, shall be the Undertakers for carrying this Order into execution. 25

Limits of harbour.

2. The limits within which the Undertakers shall have authority, and which shall, except where otherwise expressly provided, be deemed the limits to which this Order and the power to levy rates extends, shall comprise the piers, harbours, quays, and other works to be constructed under this Order, and also so much of the shore and waters of the sea or Moray Firth below high-water 30 mark as lies within two hundred yards of any part of the piers or works authorised by this Order.

Power to construct works.

3. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plan and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works 35 in order to prevent injury to navigation, the Undertakers may, on the lands belonging to them, and in the lines and situation and according to the levels shown on the deposited plans and sections, so far as the same are shown thereon, and within the limits of deviation shown on those plans, make and maintain the piers, quays, roads, and works authorised by this Order. 40

4. The works authorised by this Order are :—

A.D. 1874.

*Buckie (Cluny).*  
Description of  
works.

- 1st. A quay commencing at a point two hundred and twenty feet north-east of the lifeboat house on the beach on the south-east end of the Salter's Bay, otherwise called "The Nook," and thence proceeding in a north-easterly direction four hundred and seventy-five feet or thereby in a line parallel or nearly parallel to the public road or street called Low Street :
- 5 2nd. A sea wall commencing at the east end of the last described quay, and measuring in a north-westerly direction two hundred feet or thereby, and thence proceeding in a westerly direction and measuring six hundred feet or thereby, in all eight hundred feet or thereby :
- 10 3rd. A spur wall commencing at a point about two hundred and twenty feet from the termination of the last described sea wall, and measuring in a southward direction one hundred and ten feet or thereby :
- 15 4th. An inner jetty commencing at the west end of the before described quay, at a point one hundred and eighty feet from the lifeboat house, measuring in a north-easterly direction, and proceeding in a northerly direction two hundred and thirty-five feet or thereby, and terminating within fifty feet or thereby of the south end or termination of the above described spur wall :
- 20 5th. An outer jetty commencing at a point on the beach one hundred feet or thereby from the lifeboat house, measuring in a north-westerly direction, and thence proceeding in a northerly direction four hundred and ten feet or thereby, and terminating at a point eighty feet or thereby from the west end or termination of the above described sea wall :
- 25 6th. The excavation of an inner harbour, being the area or part of the same enclosed between the quay, the sea wall, the spur, and the inner jetty above described, to a depth of thirteen feet or thereby below the level of high water of ordinary spring tides :
- 30 7th. The excavation of an outer harbour, being the area or part of the same enclosed between the inner jetty, the spur, the sea wall, and the outer jetty above described, and the beach, to a depth of thirteen feet or thereby below the level of high water of ordinary spring tides.

5. Subject to the provisions of this Order, the Undertakers may from time to time construct, maintain, alter, and improve the harbours, locks, gates, bridges, quays, piers, jetties, wharves, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences ; may lay down and construct rails, tramways, sidings, and turntables on and along the quays, piers, and other works of the harbours and lands connected therewith ; may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbours: Provided that no works authorised by this section below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

Power to  
maintain and  
improve  
harbour.

6. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works,

Penalty for  
obstructing  
works.

[229.]

A 4

- A.D. 1874. or defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.
- Buckie (Cluny).*  
Power to levy rates. 7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised 5 by this Order have been given, the Undertakers may, subject and according to the provisions of this Order, for the use of the piers, harbours, and works, demand and receive in respect of vessels, boats, animals, fish, and goods described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule: Provided that no rates, tolls, or dues 10 shall be demanded or received from any vessel or boat landing or embarking passengers or goods upon or otherwise using the foreshore or beach within the limits of this Order, unless such vessel or boat shall also use some part of the works authorised by this Order.
- Board of Trade may reduce rates. 8. If at any time, and from time to time, the clear annual income derived 15 from the piers and harbours on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers 20 in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the harbours, and after hearing the Undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per 25 centum per annum, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order.
- Rates for use of warehouses. 9. The Undertakers may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses, sheds, buildings, 30 weighing-machines, steam or hydraulic cranes, works, and conveniences belonging to the Undertakers, for the use of which rates are not specially fixed in the schedule to this Order.
- Undertakers may provide and license steam tugs. 10. The Undertakers may from time to time build, purchase, contract for, or hire, and may maintain, use, and let steam tugs or other power for the use 35 and accommodation of vessels frequenting the harbours, and may also from time to time license such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as they think fit.
- Charges for steam tugs. 11. The Undertakers may from time to time, with the approval of the Board of Trade, fix such rates or charges as appear to them reasonable for or in 40 respect of the use of such steam tugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Undertakers, or to their lessee, or to the person with whom they may contract, or to the owner of such 45

steam tug or other power if licensed by the Undertakers, as the case may be; and such rates and charges shall be due and payable, whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required and shall in consequence of a requisition  
 5 have been tendered by the master or other person having the command of such steam tug or other power.

A.D. 1874.

*Buckie (Cluny).*

12. The Undertakers may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, plant, or other materials as they think fit, and may from time to time demand and receive such sums for  
 10 the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

Undertakers may provide dredges and engines.

13. The Undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to  
 15 the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account.

Annual account to be sent to Board of Trade.

20 14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the piers or harbours, and not breaking bulk while making use thereof, be exempt from  
 25 rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

15. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the piers, harbours, and works by land, and with their vessels and otherwise, without payment.

Exemption of Customs officers.

30 16. The Undertakers may from time to time lease the rates authorised by this Order for any period not exceeding ten years, to take effect in possession at the best rent to be reasonably obtained without fine, and on such other terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering  
 35 rates and dues as the Undertakers have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the same provisions as to accounts and otherwise to which the Undertakers are made subject by this Order.

Rates may be leased.

40 17. The Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for the regulation and control of the fishermen and others, and goods and traffic, for the supply of ballast to vessels and boats, and for the deposit or removal of ballast on the quays, piers, jetties, wharves, roads, approaches, and other works authorised by this Order to be constructed; but such byelaws shall not come into  
 45 operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Power to make byelaws.



A.D. 1874.

*Buckie (Cluny).*  
Application of  
receipts.

18. The rates received under this Order shall be applied for the purposes and in the order following, and not otherwise :

1. In paying the costs of and connected with the preparation and making of this Order.
2. In paying the expenses of the maintenance, repair, improvement, management, and regulation of the piers, harbours, and works authorised by this Order.
3. The surplus revenue (if any) of the piers, harbours, and works, after providing for the purposes aforesaid, shall belong to the Undertakers for their own use.

10

Portions of  
Harbours  
Clauses Act  
excepted.  
Meters and  
weighers.

19. Sections 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

20. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Undertakers to  
be pilotage  
authority.

21. Within the limits of this Order the Undertakers shall be a pilotage authority and local authority within the meaning of The Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

15

Light or lights  
to be exhibited.

22. The Undertakers shall at the outer extremity of and at other points on or within the piers, harbour, and works authorised by this Order, exhibit from sunset to sunrise such light or lights (if any), as shall from time to time be directed by the Commissioners of Northern Lighthouses.

20

Powers to  
cease in  
certain events.

23. In the following cases, (that is to say,)

1. If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced ; or
2. If such works after having been commenced should be virtually suspended for twelve consecutive calendar months,

25

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

30

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve calendar consecutive months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

35

Saving rights  
under "Crown  
Lands Act,  
1866."

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

40

Short title.

25. This Order may be cited as "The Buckie (Cluny) Harbour Order, 1874."

A.D. 1874.

*Buckie (Cluny).*

## SCHEDULE referred to in the foregoing Order.

## I. TONNAGE DUTIES.

		s.	d.
5	For all vessels to or from any port or place on the east coast of Scotland entering the harbour to load or unload - per register ton	0	4
	For all such vessels windbound or otherwise, and not loading or unloading - - - - - per register ton	0	2
	For all vessels to or from all other ports or places in Great Britain or Ireland - - - - - per register ton	0	6
10	For all such vessels windbound or otherwise, and not loading or unloading - - - - - per register ton	0	3
	For all vessels to or from foreign ports or places - do.	0	8
	For all such vessels windbound or otherwise, and not loading or unloading - - - - - per register ton	0	4
15	Each vessel shall pay :		
	For waterage money - - - - - do.	0	0½
	And for the harbour lights - - - - - each	1	0
20	For vessels sailing from the harbour, and put back by stress of weather without having accomplished the voyage, no additional rates shall be charged on such return.		

## II. DUTIES FOR BOATS, EXCLUSIVE OF THEIR CARGOES.

	Every boat engaged in the herring fishery, as a composition in full of tonnage duty for the period of the fishing season, payable in advance - - - - -	25	0
25	Every boat loading or discharging herrings not paying the aforesaid composition shall on each occasion of entering the harbour pay each	2	6
	And when windbound or otherwise, and not loading or unloading each	1	3
30	Other boats loading or discharging - - - - - each	3	0
	Other boats windbound or otherwise, and not loading or unloading each	1	6
	Other boats when above 15 tons register to be charged according to tonnage dues for vessels as above.		
35	Each white fishing boat, for season commencing 1st October, and payable annually in advance :		
	If manned by not less than four hands - - - - -	15	0
	If manned by less than four hands - - - - -	7	6
40	Each boat engaged in the herring fishing shall pay for the period of the fishing season two shillings and sixpence in name of waterage money, and one shilling for light money.		

[229.]

B 2

## A.D. 1874. III. RATES ON ARTICLES OF IMPORT AND EXPORT BY BOATS OR VESSELS.

*Buckie (Cluny).*

		s.	d.	
Ale and beer of all kinds	- - - - -	per 50 gallons	1	0
Bark in bulk	- - - - -	per ton	2	6
Beef and other provisions, fresh or salted	- - - - -	per ton	3	6
Bones	- - - - -	per ton	1	6
Bone dust	- - - - -	per ton	1	6
Bricks	- - - - -	per 1,000	1	0
Bottles	- - - - -	per ton	2	0
Bottles (broken)	- - - - -	per ton	0	6
Butter	- - - - -	per cwt.	0	3
Bran	- - - - -	per ton	1	0
Candles	- - - - -	per ton	3	6
Carrots	- - - - -	per ton	1	0
Casks, empty, not being returned packages	- - - - -	per ton	3	0
Cattle, viz. :—				
Bulls, cows, and oxen	- - - - -	each	1	6
Calves	- - - - -	each	0	6
Horses	- - - - -	each	2	0
Pigs	- - - - -	each	0	6
Sheep	- - - - -	each	0	3
Lambs	- - - - -	each	0	2
Carriages, viz. :—				
With springs, under 5 cwt.	- - - - -	each	2	6
With springs, 5 cwt. and under 7½ cwt.	- - - - -	each	5	0
With springs, 7½ cwt. and under 10 cwt.	- - - - -	each	7	6
With springs, 10 cwt. and above	- - - - -	each	10	0
Carts and waggons without springs	- - - - -	per ton	2	6
Cheese	- - - - -	per ton	3	0
Coals	- - - - -	per ton	1	0
Cordage	- - - - -	per ton	5	0
Corks	- - - - -	per ton	6	6
Corn, viz. :—Barley, beans, Indian corn, malt, oats, peas,				
and rye	- - - - -	per quarter	0	3
Wheat	- - - - -	per quarter	0	4
Copper	- - - - -	per ton	5	0
Cinders and charcoal	- - - - -	per ton	0	9
Earthenware	- - - - -	per ton	2	6
Eggs	- - - - -	per ton	3	6
Flax	- - - - -	per ton	4	2
Flour	- - - - -	per sack	0	4
Fish :—				
Herring	- - - - -	per barrel	0	4
Salmon	- - - - -	per cwt.	0	6
Salted dry fish	- - - - -	per barrel	0	4
Salted dry fish	- - - - -	per ton	6	8
Fruit of all kinds	- - - - -	per bushel	0	3
Game of all kinds	- - - - -	per score	3	4

Groceries, viz.:—							s.	d.	A.D. 1874.	
	Tea	-	-	-	-	-	per chest	0	4	<i>Buckie(Cluny)</i>
	Coffee	-	-	-	-	-	per cwt.	0	3	
	Sugar, raw	-	-	-	-	-	per ton	8		
5	Sugar, refined	-	-	-	-	-	per ton	3	4	
	Tobacco	-	-	-	-	-	per 100 lbs.	0	4½	
	Snuff	-	-	-	-	-	per cwt.	0	6	
	Miscellaneous	-	-	-	-	-	per cwt.	0	3	
	Hay	-	-	-	-	-	per ton	2	6	
10	Hemp	-	-	-	-	-	per ton	3	6	
	Hides	-	-	-	-	-	per cwt.	10	4	
	Hoops of wood, all of the size of puncheon hoops, and under	-	-	-	-	-	per cwt.	0	6	
	Hoops of wood, all above the size of puncheon hoops	-	-	-	-	-	per cwt.	0	6	
15	Iron hoops	-	-	-	-	-	per ton	3	9	
	Household furniture	-	-	-	-	-	per barrel bulk	0	4½	
	Husbandry utensils	-	-	-	-	-	per barrel bulk	0	4½	
	Iron :—Bar, bolt, rod, and plate	-	-	-	-	-	per ton	2	0	
	Forged	-	-	-	-	-	per ton	3	4	
20	Made work	-	-	-	-	-	per ton	5	0	
	Old iron	-	-	-	-	-	per ton	1	3	
	Old or broken pig iron	-	-	-	-	-	per ton	0	6	
	Cast-iron goods	-	-	-	-	-	per ton	2	6	
	Pig	-	-	-	-	-	per ton	1	0	
25	Wire	-	-	-	-	-	per cwt.	0	4	
	Kelp	-	-	-	-	-	per ton	1	0	
	Lead	-	-	-	-	-	per ton	3	0	
	Leather	-	-	-	-	-	per cwt.	0	3	
	Lime	-	-	-	-	-	per ton	0	10	
30	Manures (including guano, &c.)	-	-	-	-	-	per ton	1	6	
	Meal	-	-	-	-	-	per ton	1	6	
	Oil	-	-	-	-	-	per ton	3	0	
	Oilcake	-	-	-	-	-	per ton	3	0	
	Potatoes	-	-	-	-	-	per ton	1	4	
35	Peats	-	-	-	-	-	per ton	0	6	
	Poultry	-	-	-	-	-	each	0	1	
	Salt	-	-	-	-	-	per ton	1	0	
	Saltpetre	-	-	-	-	-	per ton	3	4	
	Seeds :—Flax and rape	-	-	-	-	-	per cwt.	0	3	
40	Clover	-	-	-	-	-	per cwt.	0	3	
	Garden seeds	-	-	-	-	-	per cwt.	0	3	
	Hemp and canary	-	-	-	-	-	per cwt.	0	3	
	Rye grass	-	-	-	-	-	per quarter	0	4½	
	Slates :—									
45	Undersize	-	-	-	-	-	per ton	1	3	
	Sizeable	-	-	-	-	-	per ton	1	6	
	Oversize	-	-	-	-	-	per ton	1	9	

A.D. 1874. Stones:—		s.	d.
<i>Buckie (Chany).</i>	Rubble - - - - -	per ton	0 4
	Hewen ashlar - - - - -	per ton	0 9
	Rough ashlar - - - - -	per ton	0 9
	Large stones - - - - -	per ton	0 4 5
	Causeway stones (dressed) - - - - -	per ton	0 6
	Pavement - - - - -	per ton	1 0
	Curb - - - - -	per ton	0 6
	Gravestones - - - - -	each	5 0
	Scythe stones - - - - -	per ton	1 6 10
	Grind stones - - - - -	per ton	1 6
	Mill stones - - - - -	each	3 0
	Spirits - - - - -	per 50 gallons	1 0
	Snuff - - - - -	per ton	3 6
	Tallow - - - - -	per ton	3 0 15
	Tar - - - - -	per barrel	0 4
	Tares - - - - -	per ton	1 6
	Tow - - - - -	per ton	3 0
	Tiles - - - - -	per 1,000	1 6
	Turnips - - - - -	per ton	0 6 20
	Tobacco - - - - -	per ton	3 6
	Wood of all kinds (exclusive of staves) - - - - -	per load	1 0
	Staves, herring and haddock barrel - - - - -	per 1,000 feet	1 2
	Wool - - - - -	per ton	5 0
	All goods not enumerated in the foregoing schedule - - - - -	per ton	2 0 25

#### IV. RATES FOR BALLAST.

For all ballast supplied by the Undertakers to vessels, or discharged from vessels within the harbour -	per ton	1 0
--	---------	-----

#### V. RATES FOR PILOTAGE.

For vessels not exceeding 150 tons register - - -	per ton	0 3 30
For vessels exceeding 150 tons register - - -	per ton	0 2

#### VI. EXEMPTIONS.

No rate shall be charged for the following goods, namely:—

Returned empty bottles, casks, bags, and packsheets, and goods returned to the original shippers in the original state. 35

The luggage of each passenger not exceeding two and a half cwt., but for all above, the rate of two shillings per ton shall be paid by each passenger.

Five cubic feet not exceeding two and a half cwt. to be rated a barrel bulk; A.D. 1874.  
but when the weight of five cubic feet is greater than two and a half cwt., *Buckie (Cluny)*.  
then two and a half cwt. to be rated a barrel bulk.

In weighing and measuring goods for ascertaining the shore dues payable  
5 the weight or measurement of the packages is to be included.

## CARLINGFORD LOUGH.

*Carlingford*  
*Lough.*

### *Order for the Amendment of the Harbour of Carlingford Lough Improvement Orders, 1864 and 1868.*

1. This Order may be cited as "The Harbour of Carlingford Lough Improve- Short title.  
10 ment Order, 1874," and this Order, and The Harbour of Carlingford Lough Im-  
provement Order, 1864 (in this Order called the Order of 1864), and The  
Harbour of Carlingford Lough Improvement Order, 1868 (which last-men-  
tioned Order is in this Order called the Order of 1868), shall be read and  
construed together as one Order, and the three Orders may be cited together as  
15 "The Harbour of Carlingford Lough Improvement Orders, 1864, 1868, and  
1874."

2. Notwithstanding anything in the Orders of 1864 and 1868 contained, the Time for  
works authorised by the Order of 1864 and the works in this Order authorised completion of  
to be executed may be executed at any time within the period of five years works.  
20 from the day of the date of the passing of the Act confirming this Order; and on  
the expiration of such five years the powers by the Orders of 1864 and 1868  
and by this Order given for executing such works, or otherwise in relation  
thereto, shall cease to be exercised, except as to so much of such works as may  
be completed within such period of five years.

25 3. In addition to the works which the Commissioners are authorised to New works.  
execute and maintain by the Order of 1864, the Commissioners may and they  
are hereby authorised to execute all proper and necessary works for the  
removal by blasting or otherwise of all rocks or impediments to the navigation  
in the harbour, and may themselves execute such works, or may enter into  
30 contracts for the execution of such works or any portion thereof.

4. From and after the day of the date of the passing of the Act confirming Repeal of  
this Order, the fourth section of the Order of 1868 shall be and is hereby section 4 of  
repealed, but by such repeal no clauses of the Orders of 1864 and 1868 shall be the Order of  
restored. 1868.

A.D. 1874.

*Carlingford  
Lough.*Application of  
funds.

5. Notwithstanding anything to the contrary contained in the Order of 1864, but without prejudice to the rights of existing mortgagees, the Commissioners may apply any of the moneys from time to time borrowed by them, or received by them from the rates, tolls, and dues authorised by the Orders of 1864 and 1868, or from the lands or property connected therewith for such purposes (other than as thereby authorised) as will effect improvements in the harbour, and render it safe for vessels navigating the same. 5

Power to  
borrow addi-  
tional sums.

6. The Commissioners may from time to time borrow and re-borrow at interest for the purposes of this Order and the Orders of 1864 and 1868, any sum, in addition to the sum they are now authorised to borrow, not exceeding twenty thousand pounds, on security of the property of the Commissioners, and of the rates, tolls, and dues authorised to be levied or collected by them, but all mortgages already granted by the Commissioners shall have priority over all mortgages granted under this Order. 10

Application of  
money.

7. All moneys borrowed under the authority of this Order shall be applied only for the purposes of this Order and of the Orders of 1864 and 1868. 15

Byelaws to be  
approved by  
Board of  
Trade.

8. Byelaws made by the Commissioners shall not come into operation until the same have received the allowance and confirmation of the Board of Trade; which shall be sufficient for all purposes.

Costs of Order.

9. The Commissioners shall pay the costs and expenses of and connected with the preparation for, obtaining, and making of this Order, or otherwise in relation thereto, out of the moneys which now are or may hereafter come into their hands. 20

*Cattewater.***CATTEWATER.**

*Order for the construction, maintenance, and regulation of a Break-water and Pier on the Batten Reef of Rocks at the entrance of Cattewater in the port of Plymouth, and of approach roads thereto, and of the harbour of Cattewater, in the county of Devon.*

Incorporation  
of Commis-  
sioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding sixteen in number, which Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "The Cattewater Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and are in this Order called "the Commissioners." 30 35

Appointment  
of several Com-  
missioners.

2. The appointment of the Commissioners shall be regulated as follows; (that is to say,)

(1.) The Board of Trade may, if they think fit, appoint one person to be a Commissioner under this Order, and whenever a vacancy is caused by

death, resignation, or otherwise in the office of such Commissioner may, if they think fit, appoint another person to fill the vacancy, and so from time to time: A.D. 1874.  
Cattewater.

- 5 (2.) The Lord High Admiral, or the Lords Commissioners for executing the Office of Lord High Admiral, may, if they think fit, appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner may, if he or they think fit, appoint another person to fill the vacancy, and so from time to time:
- 10 (3.) The Secretary of State for the War Department may, if he thinks fit, appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner may, if he thinks fit, appoint another person to fill the vacancy, and so from time to time:
- 15 (4.) The Corporation of the Trinity House may, if they think fit, appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner may, if they think fit, appoint another person to fill the vacancy, and so from time to time:
- 20 (5.) His Grace the Most Noble Francis Charles Hastings Duke of Bedford, as tenant for life in possession of the manor of Plymstock, under the trusts of the will of the Most Noble Francis Duke of Bedford, deceased, or other the person who for the time being shall under the trusts of such will be tenant for life in possession of such manor and shall have
- 25 attained the age of twenty-one years, and in default of any such person, Charles Romilly and George Russell, esquires, as trustees of such will, their heirs and assigns, lords of the said manor of Plymstock, shall as soon as may be appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or
- 30 otherwise in the office of such Commissioner shall appoint another person to fill the vacancy, and so from time to time:
- (6.) The Right Honourable Albert Edmund Earl of Morley, his heirs and assigns, lords of the honour and manor of Plympton, shall as soon as may be appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in
- 35 the office of such Commissioner shall appoint another person to fill the vacancy, and so from time to time:
- (7.) The Right Honourable Clarence Edward Baron Graves, his heirs and assigns, owners of lands on the shores of the harbour of Cattewater within the limits of this Order, shall as soon as may be appoint one
- 40 person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner shall appoint another person to fill the vacancy, and so from time to time:
- 45 (8.) The Right Honourable Frederic Baron Blachford, his heirs and assigns, owners of lands at Hooe and Saint Ann's, otherwise Turnchapel, shall



A.D. 1874.

*Cattewater.*

as soon as may be appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner shall appoint another person to fill the vacancy, and so from time to time:

- (9.) The town council of the borough of Plymouth shall as soon as may be 5  
appoint two persons to be Commissioners under this Order; and  
whenever a vacancy is caused by death, resignation, or otherwise in the  
office of either of such Commissioners shall appoint another person or  
other persons to fill the vacancy, and so from time to time:
- (10.) The owners and lessees for the time being of quays, yards, storehouses, 10  
and lands having frontage on the said harbour within the limits of this  
Order shall as soon as may be appoint six persons to be Com-  
missioners under this Order; and whenever a vacancy is caused by  
death, resignation, or otherwise in the office of any of such six  
Commissioners shall appoint another person to fill the vacancy, and so 15  
from time to time.

Determination  
of appointment  
of Commis-  
sioners.

3. The appointment of any Commissioner under this Order may at any time  
be determined by the authority, body, or person in whom in case of the death  
or resignation of such Commissioner the appointment of another Commissioner  
in his place is vested, and each such appointment shall be operative for three 20  
years and no longer, but at the end of the term of three years an outgoing  
Commissioner shall be eligible for re-appointment.

Provision as to  
election of  
Commission-  
ers by land-  
owners, &c.

4. With respect to the election of Commissioners by the owners and lessees  
of quays, yards, storehouses, and lands having frontage on the harbour within  
the limits of this Order, the following provisions shall take effect: 25
- (1.) The first meeting of such owners and lessees shall be held at the Old  
Guildhall, Plymouth, within one calendar month after the day of date  
of the passing of the Act confirming this Order, at a time to be  
advertised by Mr. George Pridham, of Plymouth, solicitor, or, in his  
default, by a person appointed for the purpose by the Board of Trade, 30  
five days at least before the day of meeting, in two local papers:
- (2.) The said George Pridham, or, in his default, the person so appointed by  
the Board of Trade, shall be the first assessor and returning officer of  
the said Commission, and shall preside as such at the meetings for the  
election of Commissioners, and shall examine and decide finally on all 35  
claims to vote at such meetings, so long as the Commissioners shall not  
revoke his appointment and appoint any other assessor and returning  
officer in his place:
- (3.) Annual meetings of such owners and lessees for the election of Com-  
missioners shall be held at Guildhall, Plymouth, or in such other place 40  
as the Commissioners shall from time to time appoint, on such day  
within ten days next before the first day of October in the year one  
thousand eight hundred and seventy-five and in each subsequent year  
as the Commissioners shall annually appoint, the place and time of  
meeting being advertised as aforesaid by the clerk of the Commissioners 45  
five days at least before the day of meeting:

- (4.) At the first and each subsequent annual election each such owner and lessee shall be entitled to the following number of votes according to his frontage to the harbour; that is to say, an owner or lessee of fifty feet frontage or less, one vote; of more than fifty feet and not exceeding three hundred feet frontage, two votes; of more than three hundred feet and not exceeding six hundred feet frontage, three votes; of more than six hundred feet and not exceeding one thousand feet frontage, four votes; of more than one thousand feet frontage, five votes for each Commissioner: Provided that where the same person is both owner and occupier he shall be entitled to vote in each capacity, and that the occupying lessee shall alone be entitled to vote to the exclusion of any lessee intermediate between owner and occupier: Provided also, that no owner having power in his own right to appoint a Commissioner shall be entitled to attend or to vote in the election of a Commissioner under this clause:
- (5.) The election of Commissioners at the first and each subsequent annual meeting shall be made by the majority of votes of owners and lessees present at the meeting:
- (6.) The Commissioners elected at the first meeting shall be placed in a list in alphabetical order; the first and second on such list shall go out of office at the second meeting, the third and fourth on such list shall go out of office at the third meeting, and the fifth and sixth on such list shall go out of office at the fourth meeting:
- (7.) Each Commissioner elected under this clause at the second and subsequent annual meetings shall go out of office at the third meeting after his election:
- (8.) Every Commissioner going out of office shall be eligible for re-election:
- (9.) All expenses of elections under this clause shall be paid by the Commissioners.
5. "The Commissioners Clauses Act, 1847," (except sections six and seven, and sections seventeen to thirty-five, both inclusive, and except so far as the other sections thereof are inconsistent with this Order,) is hereby incorporated with this Order, and the same Act shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally; but with reference to section thirty-nine thereof, the prescribed number (constituting a quorum) of the Commissioners shall be three.
6. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.
7. The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as nine persons have been appointed or elected Commissioners, and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment or non-election of, or any informality in, the appointment or election of a commissioner.

A.D. 1874.

Cattewater.

Incorporation  
of parts of  
Commissioners  
Clauses Act,  
1847.Incorporation  
of parts of  
Lands Clauses  
Acts.Commence-  
ment of powers.

A.D. 1874.

*Cattewater.*  
Board of Trade  
to appoint  
auditor.

8. The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Commissioners and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Undertakers.

9. The Commissioners shall be the Undertakers of the works authorised by this Order.

Limits of  
harbour under  
jurisdiction of  
Commis-  
sioners.

10. The limits of the harbour of Cattewater (which shall be deemed the limits to which this Order extends and within which the Commissioners shall have authority) shall be the area included within the lines drawn as follows; that is to say, an imaginary straight line drawn from a point on the seashore fifty-three yards or thereabouts immediately to the west of the south-western corner of the westernmost house of the coastguard station at Mount Batten to the westernmost extremity of the rock on which the Cobbler Buoy is now placed, thence another imaginary straight line drawn to the Fisher's Nose in the borough of Plymouth, thence an imaginary line drawn along the line of high-water mark of the shore of Cattewater to the point of high-water mark on the south side of the western pier of Sutton Pool, thence a straight line drawn from the last-mentioned point touching the south side of such west pier and proceeding eastwards till it meets the eastern pier of Sutton Pool, and then a line drawn along high-water mark of the shore of Cattewater to Laira Bridge, then along the southern side of the said bridge, then along the line of high-water mark of the shore of the Cattewater, including Pomphlett Lake up to but not beyond Pomphlett Mill at the head of the said lake, and including Hooe Lake up to but not beyond Radford Mill Dam at the head of the said lake, and then passing on along high-water mark to the point on the seashore first mentioned, which harbour will be situate in or abut upon all or some of the parishes or places of St. Andrew and Charles in the borough of Plymouth, and the parish of Plymstock and the liberties of the water of the Tamar in the county of Devon.

Nothing in this Order contained shall operate to vary, alter, or limit the jurisdiction of the harbour master as provided by the Sutton Harbour Act, 1847, within one hundred yards of the entrance to Sutton Harbour.

Power to make  
works.

11. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the lands taken by them under this Order, and in the lines and situations, and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on these plans, make and maintain the breakwater, pier, and works authorised by this Order.

Power to take  
land.

12. For the purposes of the works authorised by this Order the Commissioners may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this

Order as they think requisite for the purposes of the proposed breakwater and pier, and the works, roads, and conveniences connected with the harbour.

A.D. 1874.  
Cattewater.

13. The works authorised by this Order and which may be made and maintained by the Commissioners comprise—

- 5 (1.) A pier or breakwater, jetty, quay, and landing-places, with all proper works, sea-walls, approaches, tramways, railways, and other conveniences connected therewith for the embarking and landing and transport of passengers, cattle, goods, and merchandise, and for other purposes; such pier and breakwater to commence at a point on the west side of the rock or promontory called Mount Batten in the parish of Plymstock in the county of Devon, and extending in a westerly direction two hundred and seventy yards or thereabouts on a reef of rocks called the Batten reef, which said breakwater, pier, jetty, quay, and landing-places will be situate in or abut upon the several parishes, townships, or extra-parochial places, or some of them, following; (that is to say,) Plymstock and the liberties of the water of the Tamar in the county of Devon :
- 10
- 15 (2.) Lighthouses, tollhouses, roads, approaches, warehouses, offices, sheds, cranes, weighing machines, and other works and conveniences in connexion with the intended breakwater, pier, jetty, quay, wharf, and landing-places :
- 20 (3.) An approach or carriage road to the intended breakwater and pier, situate wholly in the parish of Plymstock in the county of Devon, three hundred and fifty-three yards or thereabouts in length, commencing at the eastern end of the intended breakwater or pier, and terminating on the road quay in front of the Castle Inn in the parish of Plymstock :
- 25 (4.) A road wholly in the parish of Plymstock, eight hundred yards or thereabouts in length, commencing at the termination of the last-mentioned road, and terminating at a point twenty yards or thereabouts in a south-easterly direction from Cliff Cottage in the village of Turnchapel in the road leading from the village of Turnchapel to Fort Stamford in the same parish :
- 30 (5.) The dredging, deepening, scouring, and otherwise improving the harbour and the shores and creeks thereof within the limits of this Order, and the laying down buoys and moorings and providing other appliances and conveniences for ships frequenting the said harbour.
- 35

Works authorised.

14. No works for dredging or improving the harbour under this Order shall be commenced without the assent of the Board of Trade having been first obtained.

Assent of Board of Trade.

15. The Commissioners may at any time purchase, take on lease, or otherwise acquire all lands, buildings, waters, easements, or hereditaments necessary for or liable to interfere with the construction of the intended breakwater, pier, jetty, quays, landing-places, and approach roads or works, and the approaches thereto, and also may by agreement purchase or take on lease or commutation, either for a term of years or in perpetuity, any powers, rights, privileges, and authorities, tolls, rates, and duties, in respect of the liberty of the water Tamar,

Commissioners may purchase and take over Saltash dues, &c. Buoys.

A.D. 1874. or the maintenance of the said Cobbler Buoy at the entrance of the harbour, whether belonging to His Royal Highness the Prince of Wales in right of his duchy of Cornwall, or to the corporation of the borough of Saltash in the county of Cornwall; and the powers, rights, privileges, authorities, tolls, rates, or duties so purchased or taken on lease or commutation shall vest in the Commissioners accordingly. 5

Commissioners may take over buoys, &c. from Admiralty. 16. The Commissioners may at any time, by agreement with the Lords of the Admiralty, purchase and take over all buoys, moorings, and other appliances within the harbour now belonging to or under the control of the Admiralty, and shall thenceforth maintain and have the control of the same buoys, moorings, and other appliances subject and according to the terms of such agreement and the provisions of the Harbours, Docks, and Piers Clauses Act, 1847. 10

Commissioners may provide dredges, &c. 17. The Commissioners may for the purposes of the harbour from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realised shall be applied for the purposes of this Order. 15

Power to levy rates. 18. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given the Commissioners may, subject and according to the provisions of this Order, for the use of the harbour, and the piers, landing-places, works, and conveniences connected therewith, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things described in the schedule to this Order any sums not exceeding the rates in that schedule mentioned. 20 25

Exemption of certain fishing vessels. 19. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and from port charges such vessels when forced by stress of weather to seek shelter in the ports of the coasts of the United Kingdom shall, when forced by stress of weather to make use of the said harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 30

Customs officers. 20. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the said breakwater and harbour by land and with their vessels without payment. 35

Power to borrow. 21. The Commissioners may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of thirty thousand pounds, on the security of the rates, dues, and tolls by this Order authorised to be levied. 40

Application of money borrowed. 22. The Commissioners shall apply all money borrowed by them under this Order for the purposes and in the order following; that is to say,

- (1.) In payment of the costs of and connected with the preparation and making of this Order : A.D. 1874.  
 (2.) In paying the cost of the works authorised by this Order. Cattewater.

23. Every part of the money borrowed under this Order shall be applied Application of  
borrowed  
money.  
 5 only to the purposes of this Order.

24. Any money borrowed under this Order and discharged, otherwise than Re-borrowing.  
 by means of a sinking fund or by instalments, may be re-borrowed, if required,  
 for the purposes of this Order, and so from time to time.

25. The mortgagees of the Commissioners may enforce the payment of arrears Receiver.  
 10 of interest, or of arrears of principal and interest, due to them on their re-  
 spective mortgages by the appointment of a receiver; and the amount to  
 authorise a requisition for a receiver is two thousand pounds.

26. The Commissioners shall apply all rates, dues, and other income received Application of  
tolls.  
 15 under this Order for the purposes and in the order following and not other-  
 wise :

- (1.) In paying the costs of and connected with or incidental to the preparation  
 and making of this Order :  
 (2.) In paying the salaries of the clerk, assessor, harbour-master, and harbour  
 20 police, the expenses of watching, lighting, and maintaining the harbour,  
 and of providing and maintaining in proper condition all the works,  
 buoys, moorings, appliances, and other conveniences belonging to the  
 harbour, and paying all other current expenses of the Commissioners :  
 (3.) In paying year by year the interest on money borrowed under this  
 Order :  
 25 (4.) In from time to time providing the instalments or creating a sinking  
 fund for the repayment of money borrowed, in such manner, so far as  
 circumstances will admit, that all money borrowed may be discharged  
 within fifty years from the time of borrowing :  
 30 (5.) In paying the cost of the works authorised by and of lands or property  
 acquired for the purposes of this Order, and the other expenses incurred  
 in the improvement of the harbour or otherwise under this Order.

27. The Commissioners shall, in the month of January in every year, furnish Commissioners  
to furnish  
accounts to  
Board of Trade.  
 to the Board of Trade a statement, in such form as the Board of Trade from  
 time to time direct, showing the income, expenditure, credits, and liabilities of  
 35 the Commissioners in and for the year ending on the preceding thirty-first day  
 of December and the total amount of capital expended by the Commissioners  
 up to the expiration of that year.

28. The Commissioners shall from time to time, if required by the Board Rates to be  
revised from  
time to time.  
 of Trade, revise the rates, tolls, and dues receivable under this Order, so that  
 40 the income of the Commissioners under this Order may always be, as far as  
 practicable, sufficient, and not more than sufficient, to meet the expenditure  
 directed or authorised by this Order.

- A.D. 1874. **29.** All pilots acting within the limits of this Order shall, as regards the berthing and mooring of ships, be subject to and obey the directions of the Commissioners and their harbour-master. Any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Plymouth, which authority is by this Order required to act accordingly on any complaint referred to that authority by the Commissioners or their harbour-master. 5
- Cattewater.*  
Pilots to be subject to harbour-master.
- 30.** Part V. of "The Harbour and Passing Tolls, &c. Act, 1861," shall apply to this Order.
- 31.** The Commissioners shall have the appointment of meters and weighers within the limits of this Order. 10
- Part V. of 24 & 25 Vict. cap. 47. to apply.  
Meters and weighers.
- 32.** Sections sixteen to nineteen inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.
- 33.** Byelaws made under this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. 15
- Parts of Harbours, Docks, &c. Act, not incorporated.  
Byelaws.
- 34.** The Commissioners shall at their own expense provide an emplacement for three guns on the ground at or contiguous to Mount Batten, on such site, according to such plan and mode of construction, and generally in such manner in all respects as the Secretary of State for War shall direct, and until the Secretary of State for War shall have certified in writing under his hand that such emplacement has been provided to his satisfaction no rates or dues shall be demanded or received by the Commissioners under this Order. 20
- Emplacement for three guns to be provided before any rates levied.
- 35.** The Commissioners shall, at the outer extremity of the piers and works authorised by this Order, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. 25
- Light to be exhibited.
- 36.** In the following cases ; (that is to say,) 30
- (1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced ; or
- (2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months,
- the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade. 35
- A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate. 40
- Board of Trade certificate to be conclusive evidence.
- 37.** This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of
- Saving rights under "Crown Lands Act, 1866."

the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained. - A.D. 1874.  
Cattewater.

- 5 38. Nothing in this Order contained shall prejudice or affect the rights, powers, or jurisdiction of the Corporation of Trinity House, Deptford Strond. Reservation of jurisdiction of Trinity House.
- 10 39. Nothing in this Order contained shall prejudice or affect the powers conferred on the Admiralty under section nine of "Harbours Transfer Act, 1862," but such powers may be exercised in like manner as if this Order had not been made; and notwithstanding anything in this Order contained the Admiralty and all persons in their employ shall have free right of transport and passage across and within the limits of this Order to and from any quarries or other works used by or under the jurisdiction of the Admiralty in like manner as if this Order had not been made. Reservation of Admiralty authority under 25 & 26 Vict. cap. 69, sec. 9, and right of transport.
- 15 40. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Commissioners. Costs of Order.
41. This Order may be cited as "The Cattewater Harbour Order, 1874." Short title.

The SCHEDULE to which the foregoing Order refers.

20 I.—RATES ON SHIPS AND CRAFT USING OR ENTERING THE HARBOUR.

			s.	d.
	On all ships or steamers of ten tons register and upwards entering the harbour windbound and anchoring or mooring there, and on all ships or steamers of like tonnage entering the harbour for the purpose of discharging or loading cargo	- per registered ton	0	1
25	On every fishing hooker and sailing fishing vessel belonging to the harbour, or entering and using the harbour for the purpose of fishery, payable in advance, annually the sum of	-	5	0
	On all barges, lighters, and other craft above 20 tons	- per annum	10	0
30	On all barges, lighters, and other craft under 20 tons	- per annum	5	0
	Every ship or craft laying within the harbour more than three calendar months (unless under repair at a shipwright's yard) shall pay at the expiration thereof the same dues as if she had again entered the harbour, and so on at the expiration of every three months she shall continue therein.			
35				

II.—RATES FOR USE OF MOORING CHAINS.

On all ships under 500 tons	-	-	-	- per day	1	0
On all ships above 500 tons	-	-	-	- per day	2	6

[229.]

D



A.D. 1874.

## III.—RATES ON GOODS SHIPPED OR UNSHIPPED WITHIN THE HARBOUR.

*Breakwater.*

	<i>s.</i>	<i>d.</i>	
For horses and cattle - - - - - each	1	6	
For sheep, calves, and pigs - - - - - each	0	4	
For stone, sand, lime, and clay - - - per barge load	0	6	5
For dung, hay, and faggot-wood - - - per barge load	0	6	
For every ton of merchandize and other articles and things not particularly enumerated above - - - - -	0	1	

## IV.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

10

1. *Rate of Cranage.*

All goods or packages not exceeding 1 ton - - - - -	0	4	
All goods or packages exceeding 1 ton and not exceeding 2 tons - - - - -	0	6	
All goods or packages exceeding 2 tons and not exceeding 3 tons - - - - -	0	8	
All goods or packages exceeding 3 tons and not exceeding 4 tons - - - - -	0	10	15
All goods or packages exceeding 4 tons and not exceeding 5 tons - - - - -	1	0	
All goods or packages exceeding 5 tons and not exceeding 6 tons - - - - -	1	2	
All goods or packages exceeding 6 tons and not exceeding 7 tons - - - - -	1	4	
All goods or packages exceeding 7 tons and not exceeding 8 tons - - - - -	1	6	
All goods or packages exceeding 8 tons and not exceeding 9 tons - - - - -	1	10	20
All goods or packages exceeding 9 tons and not exceeding 10 tons - - - - -	2	4	

2. *Weighing Machines.*

For goods weighed, for each ton or part of a ton - - - - -	0	2	
--	---	---	--

3. *Shed Dues.*

For every ton of goods of 40 cubic feet for every ton of 20 cwt. which remains in the warehouse or sheds or other works of the Company for not longer than 48 hours - - - per ton	0	3	25
For each day during which the goods remain after the first 48 hours - - - - - per ton	0	2	
For any portmanteau, trunk, parcel, or other article of passenger's luggage, for every day or part of a day - - - - -	0	2	30

## V.—RATES ON PASSENGERS AND OTHERS USING THE BREAKWATER.

For every passenger and other person who shall embark on or from the breakwater or the quays connected with the breakwater, or use them for any other purpose - - - - -	0	1	35
For every passenger's and other person's trunk, box, or other package within the description of luggage, not exceeding 28 lbs. - - - - -	0	1	
For every passenger's and other person's trunk, box, or other package within the description of luggage over 28 lbs. and not over 84 lbs. - - - - -	0	2	
For every passenger's and other person's trunk, box, or other package within the description of luggage over 84 lbs. and not over 112 lbs. - - - - -	0	3	40

	s.	d.	A.D. 1874.
For every passenger's and other person's trunk, box, or other package within the description of luggage over 112 lbs. and not over 140 lbs.	0	4	Cattewater.
5 For every passenger's and other person's trunk, box, or other package within the description of luggage over 140 lbs. and not over 196 lbs.	0	5	
For every passenger's and other person's trunk, box, or other package within the description of luggage over 196 lbs. and not over 224 lbs.	0	6	
Every cwt. beyond	-	0	3

*Exemption.*

- 10 All vessels entering or leaving Sutton Harbour or the Great Western Docks at Plymouth and not anchoring in or using Cattewater Harbour for any longer time than three days immediately before entering or after leaving Sutton Harbour or the Great Western Docks, and not using the moorings or works or conveniences of the Commissioners, and also all cargoes of
- 15 such vessels, shall be exempt from rates and duties under this Order.

EYEMOUTH.

*Eyemouth.*

- *Order for amending the Act with respect to the Harbour of Eyemouth, in the county of Berwick, and for making further provision in regard to the said Harbour.*

- 20 1. This Order and the Acts incorporated therewith shall be read along with the Act of the second year of Her Majesty, chapter thirty-six, intituled "An Act for more effectually repairing, improving, and maintaining the harbour of Eyemouth, in the county of Berwick," which Act is in this Order called "the Harbour Act," and the Harbour Act, and this Order, and the incorporated
- 25 Acts shall be construed together as one Act.
2. The Trustees for the time being acting under the Harbour Act, or under the Harbour Act and this Order, in this Order called "the Trustees," shall be the Undertakers for the purposes of this Order, and shall exercise all the powers and be subject to all the provisions of the Harbour Act and this Order.
- 30 3. The following sections of the Harbour Act, that is to say, sections 28 to 34 inclusive, 37, 43 to 47 inclusive, and 63 to 66 inclusive, shall be and the same are from and after the passing of the Act confirming this Order, hereby repealed.
- 35 4. The following clauses of "The Commissioners Clauses Act, 1847," shall be incorporated with this Order, viz., clauses 8, 16, 60 to 64 inclusive, 80 to 83 inclusive, 85, 88, 89, and 90.
5. The Trustees or their quorum may from time to time, and as they shall see fit, elect, nominate, and appoint, in manner provided by the Harbour Act,
- [229.] D 2

A.D. 1874.

*Eyemouth.*

Schedules to Harbour Act cancelled and new schedule substituted.

any persons, qualified as in the Harbour Act provided, to act as Trustees of the Harbour Act and this Order.

6. On and after the first day of September one thousand eight hundred and seventy-four the schedules (A.) and (B.) to the Harbour Act shall be deemed to be and are hereby cancelled, and the schedule to this Order shall be deemed to be and is hereby substituted in the place of the schedules to the Harbour Act, and the Harbour Act shall be construed accordingly: Provided that any rates and duties due to the Trustees before the first day of September one thousand eight hundred and seventy-four may be recovered as the rates and duties contained in the schedule to this Order are recoverable: Provided also, that nothing in this Order contained shall affect the duties claimed or exacted by the baron or superior of the barony of Eyemouth, or heirs of entail of George Home of Wedderburn, deceased, formerly the baron or superior of the said barony, which are in the Harbour Act reserved.

Extra rates for vessels staying in harbour.

7. The Trustees may by a byelaw fix reasonable periods after which vessels shall not be permitted to remain in the harbour without payment of such additional tonnage rates as the Trustees think fit, not exceeding the original rate, for all or any part of every period in excess of the first period; provided that any such byelaw shall not come into operation until it has received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Rates to be revised.

8. The Trustees shall from time to time revise the rates and duties received by them under the Harbour Act and this Order, so that the total produce thereof may always be as far as practicable sufficient and not more than sufficient to meet the payments and expenditure authorised by the Harbour Act and this Order.

Trustees to send annual account to Board of Trade.

9. The Trustees, within one month after sending to the sheriff clerk for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade; if the Trustees refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account.

Certain fishing vessels under stress of weather exempt from rates.

10. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of officers of customs.

11. Officers of customs, being in the execution of their duty, shall at all times have free egress, passage, and ingress on, into, along, through, or out of the harbour and the works of the Trustees, by land, and with their vessels and otherwise, without payment.

Portions of Harbours Clauses Act excepted.

12. Sections 5 to 11 inclusive, 16 to 23 inclusive, and 25, 26, 29, 47, and 93 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be in-

incorporated with this Order; and section 12 of the same Act as amended by A.D. 1874.  
"The Harbours Transfer Act, 1862," or any other Act, shall apply to all Eyemouth.  
works under the Harbour Act.

13. The Trustees shall have the appointment of meters and weighers within Meters and  
5 the limits of this Order. weighers.

14. In addition to the powers as to pilotage by the Harbour Act conferred, Trustees to be  
the Trustees shall be a pilotage authority and local authority within the mean- a pilotage  
ing of "The Merchant Shipping Act, 1854," and the Acts amending the same, authority.  
and shall have all the powers conferred by those Acts on pilotage authorities  
10 and on local authorities.

15. The Trustees shall at the outer extremity of the harbour and works Light or lights  
exhibit from sunset to sunrise such light or lights (if any) as shall from time to be exhibited.  
to time be directed by the Commissioners of Northern Lighthouses.

16. This Order shall not be taken as a consent to the surrender of any rights, Saving rights  
15 interests, powers, authorities, or privileges transferred to the management of the under "Crown  
Board of Trade by "The Crown Lands Act, 1866," nor shall any works or Lands Act,  
operations under the Harbour Act or this Order be commenced within limits 1866."  
affected by any such rights, interests, powers, authorities, or privileges, without  
the consent of the Board of Trade having been first obtained.

20 17. All costs, charges, and expenses of and incident to the preparation of Cost of Order.  
and obtaining this Order, or otherwise incurred in relation thereto, shall be paid  
by the Trustees.

18. This Order may be cited as the "Eyemouth Harbour Order, 1874." Short title.

SCHEDULE to which the foregoing Order refers.

25 I.—TONNAGE DUTIES.

	s.	d.
For all vessels whatever entering the harbour to load or unload, per registered ton - - - - -	0	3
For all vessels windbound or otherwise, and not loading or unloading, 30 per registered ton - - - - -	0	1½

II.—DUTIES FOR BOATS, EXCLUSIVE OF THEIR CARGOES.

Every boat engaged in the herring fishery, as a composition in full of - tonnage duty for the period of the herring fishing season, payable on the 1st day of August annually; for every foot of length of 35 the boat over all - - - - -	0	6
Every boat loading or discharging herrings not paying the aforesaid composition shall on each occasion of entering the harbour pay -	2	0
And when windbound - - - - -	1	0

[229.] D 3

A.D. 1874.

*Eyemouth.*

Every boat engaged in the white fishing, as a composition in full of tonnage duty for the period of the white fishing season, payable on the first December annually; for every foot of length of the boat over all	-	-	-	-	-	-	-	1	0	5
Every boat loading or discharging white fish, not paying the aforesaid composition, shall on each occasion of entering the harbour pay	-	-	-	-	-	-	-	2	6	
And when windbound	-	-	-	-	-	-	-	1	3	

III.—RATES ON ARTICLES OF IMPORT AND EXPORT, BY BOATS OR VESSELS. 10

Acorns, per bushel	-	-	-	-	-	-	-	0	0½	
Alabaster, per cwt.	-	-	-	-	-	-	-	0	1	
Ale, beer, porter, mum, cyder, perry, or vinegar, per butt	-	-	-	-	-	-	-	0	9	
Ditto, per barrel	-	-	-	-	-	-	-	0	3	
Aquafortis, per carboy	-	-	-	-	-	-	-	0	2	15
Ashes, pot, pearl, or soap, per cwt.	-	-	-	-	-	-	-	0	2	
Ashes, fern or wood, per cwt.	-	-	-	-	-	-	-	0	0½	
Bacon or hams, per cwt.	-	-	-	-	-	-	-	0	1	
Ballast :—										
Inward, whether landed or shifted into another vessel, per ton	-	-	-	-	-	-	-	1	6	20
Outward, whether taken out of another vessel, or from the quay or shore, per ton	-	-	-	-	-	-	-	1	6	
Barilla, per ton	-	-	-	-	-	-	-	1	0	
Bark, per ton	-	-	-	-	-	-	-	1	0	
Bark, Jesuit's, per lb.	-	-	-	-	-	-	-	0	0½	25
Barley ( <i>see</i> Corn) :—										
Shelled or pearl ditto, per 20 stones	-	-	-	-	-	-	-	0	1	
Baskets, hand, per dozen	-	-	-	-	-	-	-	0	3	
Battens and ends, per St. Petersburg standard hundred of 720 lineal feet	-	-	-	-	-	-	-	0	2½	30
Beef, mutton, pork, or veal, per cwt.	-	-	-	-	-	-	-	0	1	
Beeswax, per cwt.	-	-	-	-	-	-	-	0	3	
Bell metal, per cwt.	-	-	-	-	-	-	-	0	1	
Bells, per cwt.	-	-	-	-	-	-	-	0	1	
Bellows, per barrel bulk	-	-	-	-	-	-	-	0	2	35
Blankets, per dozen	-	-	-	-	-	-	-	0	4	
Blubber, for every ton of oil produced by it	-	-	-	-	-	-	-	0	6	
Bones, per ton	-	-	-	-	-	-	-	0	6	
Bottles, glass, per gross	-	-	-	-	-	-	-	0	4	
Ditto, stone, per dozen	-	-	-	-	-	-	-	0	1	40
Ditto, broken, per ton	-	-	-	-	-	-	-	0	6	
Bran, per quarter	-	-	-	-	-	-	-	0	0½	
Brandy, per tun	-	-	-	-	-	-	-	6	0	
Bricks, per 1,000	-	-	-	-	-	-	-	0	2	
Ditto, stock or fire, per 1,000	-	-	-	-	-	-	-	0	4	45
Brimstone, per cwt.	-	-	-	-	-	-	-	0	2	

		s.	d.	A.D. 1874.
	Bulrushes, per barrel bulk - - - - -	-	0 1	<i>Eyemouth.</i>
	Butter, per firkin - - - - -	-	0 1	
	Calicoes and other cotton goods, per barrel bulk - - -	-	0 4	
5	Candles, per cwt. - - - - -	-	0 2	
	Ditto, wax, per barrel bulk - - - - -	-	0 6	
	Canvas or sail cloth, per bolt - - - - -	-	0 1	
	Carpets, per barrel bulk - - - - -	-	0 4	
	Carriage or cart, 2 wheels - - - - -	-	1 6	
10	Ditto, 4 wheels - - - - -	-	3 0	
	Carrots, per ton - - - - -	-	0 6	
	Casks, empty, per puncheon - - - - -	-	0 2	
	Other casks in proportion.			
	Cattle, viz. :—			
15	Bulls, cows, and oxen, each - - - - -	-	1 0	
	Calves, each - - - - -	-	0 3	
	Cement, per ton - - - - -	-	0 6	
	Cheese, per cwt. - - - - -	-	0 2	
	Cinders and charcoal, per chaldron - - - - -	-	0 3	
20	Clay, per ton - - - - -	-	0 3	
	Chalk, per ton - - - - -	-	0 3	
	Cloth, hair, per barrel bulk - - - - -	-	0 2	
	Ditto, linen, per barrel bulk - - - - -	-	0 4	
	Ditto, sack, per 12 pieces - - - - -	-	0 1	
25	Ditto, woollen, and other woollen goods, per barrel bulk -	-	0 4	
	Coals, per ton - - - - -	-	0 3	
	Cordage, twine, and netting, per cwt. - - - - -	-	0 1	
	Cork and corks, per cwt. - - - - -	-	0 2	
	Corn and grain, viz. :—			
30	Wheat, barley, beans, oats, peas, tares, rye, Indian corn, and malt, per quarter - - - - -	-	0 1	
	Cotton, per cwt. - - - - -	-	0 2	
	Cream of tartar, per cwt. - - - - -	-	0 4	
	Cutch and Gambia, per ton - - - - -	-	1 0	
35	Deals and deal ends, per St. Petersburg standard hundred, equal to three loads of timber - - - - -	-	0 5½	
	Dimities, per barrel bulk - - - - -	-	0 4	
	Dogs, each - - - - -	-	0 3	
	Drugs, per lb. - - - - -	-	0 0½	
40	Dusters, per dozen - - - - -	-	0 1	
	Dyeing stuffs, not otherwise charged, per cwt. - - - - -	-	0 1	
	Earthenware, per cwt. - - - - -	-	0 6	
	Ditto, per crate - - - - -	-	0 6	
	Eggs, per chest of 1,600. - - - - -	-	0 8	
45	Ditto, per 120 - - - - -	-	0 0½	
	Esparto grass, per ton - - - - -	-	1 0	
	Feathers, per cwt. - - - - -	-	0 2	

A.D. 1874.		Fish, viz. :—		s.	d.
Eyemouth.	Herrings, per barrel or box	-	-	0	2
	Salmon, fresh, per cwt.	-	-	0	1½
	Ditto, salted, per barrel	-	-	0	6
	Ditto, pickled, per kit	-	-	0	1 5
	Dried or smoked, per cwt.	-	-	0	0½
	Livers, per barrel or box	-	-	0	1
	Flax, per cwt.	-	-	0	1
	Flour or meal, per 20 stones	-	-	0	2
	Fruit of all kinds, not otherwise charged, per cwt.	-	-	0	4 10
	Ditto, per bushel	-	-	0	1
	Fuller's earth, per cwt.	-	-	0	0½
	Ginger, per cwt.	-	-	0	2
	Glass, window, per crate	-	-	0	3
	Ditto, broken, per barrel bulk	-	-	0	1 15
	Glasses, decanters, and other white glass, per barrel bulk	-	-	0	6
	Glue, per cwt.	-	-	0	2
Groceries, viz. :—					
	Coffee, sugar, confections, dried fruits, molasses, spices, rice, soap, tobacco, snuff, &c., per cwt.	-	-	0	4 20
	Gunpowder, per cwt.	-	-	0	4
	Haberdashery and millinery goods, per barrel bulk	-	-	0	4
	Hair, (horse or cattle,) per barrel bulk	-	-	0	4
	Handscopes, per dozen	-	-	0	0½
	Handspikes, dressed, per dozen	-	-	0	6 25
	Hats, per barrel bulk	-	-	0	6
	Hay, per ton	-	-	1	0
	Hemp, per ton	-	-	1	8
	Hogs or pigs, each	-	-	0	2
	Hides, per cwt.	-	-	0	2 30
	Horses and mules, each	-	-	1	0
	Hoops, wooden, per 120	-	-	0	1
	Ditto, iron, per cwt.	-	-	0	2
	Hops, per bag	-	-	1	0
	Ditto per pocket	-	-	0	6 35
	Household furniture, per barrel bulk	-	-	0	2
	Husbandry implements and utensils, per barrel bulk	-	-	0	3
	Ice, per ton	-	-	0	6
	Indigo, per cwt.	-	-	0	4
Iron, viz. :—					
	Pig and cast iron, per ton	-	-	0	6 40
	Wrought and bar, per cwt.	-	-	0	1
	Broken or old, per ton	-	-	0	6
	Ironmongery goods, per cwt.	-	-	0	1
	Isinglass, per cwt.	-	-	0	1 45
	Junk, per cwt.	-	-	0	0½
	Kelp, per ton	-	-	0	6
	Kits, per 20	-	-	0	1

	<i>s.</i>	<i>d.</i>	A.D. 1874. <i>Eyemouth.</i>
Lathwood, on each fathom, equal to a load of timber, 4 feet long	-	0 2	
Lead, per cwt.	-	0 1	
Ditto, white, red, or black, per cwt.	-	0 1	
5 Lead shot, per cwt.	-	0 1	
Leather, per cwt.	-	0 2	
Lemons or oranges, per chest	-	0 6	
Lime, per ton	-	0 2	
Manures, artificial, guano, bonedust, &c., per ton	-	0 6	
10 Manure, street, dung, and the like, per ton	-	0 1	
Marble, per ton	-	1 6	
Mats, per 120	-	0 6	
Meal, per 20 stones	-	0 1	
Mussels, per ton	-	0 6	
15 Nuts, per barrel bulk	-	0 2	
Oakum, per cwt.	-	0 0½	
Oil, per cwt.	-	0 1	
Oilcake and feeding stuffs not otherwise charged, per cwt.	-	0 0½	
Paper and pasteboard, per cwt.	-	0 2	
20 Peats, per ton	-	0 3	
Pewter, per ton	-	1 8	
Pipes, tobacco, per chest	-	0 3	
Pitch, per barrel	-	0 2	
Plaster of Paris, per cwt.	-	0 1	
25 Potatoes, per ton	-	0 4	
Quicks or twigs, per barrel bulk	-	0 2	
Rags, old ropes, &c., per ton	-	0 6	
Rosin, per cwt.	-	0 1	
Rotten stone, per cwt.	-	0 1	
30 Rugs, per barrel, bulk	-	0 4	
Sails, per 50 yards	-	0 2	
Salt, per ton	-	0 6	
Salts, Glauber, per cwt.	-	0 4	
Saltpetre, per cwt.	-	0 2	
35 Seeds, viz. :-			
Clover, per cwt.	-	0 1	
Flax and rape, per cwt.	-	0 0½	
Hemp and canary, per cwt.	-	0 1	
Mustard, per cwt.	-	0 2	
40 Ryegrass, per quarter	-	0 1	
Turnip, per bushel	-	0 1	
Garden seeds, and all others not before mentioned, per cwt.	-	0 2	
Scythe or whetstones, per 120	-	0 2	
Sheep and lambs, each	-	0 2	
45 Sicles, per barrel bulk	-	0 2	
Sieves, per barrel bulk	-	0 2	



A.D. 1874.

*Eyemouth.*

	s.	d.	
Silk, wrought or unwrought, per barrel bulk	0	6	
Slates, per ton	0	3	
Smalts, per cwt.	0	1	
Soot, per ton	0	6	5
Spades and shovels, per dozen	0	2	
Spirits, per tun	4	0	
Spokes, carriage, waggon, or cart, per 120	0	1	
Starch, per cwt.	0	2	
Staves, barrel, per 120	0	1	10
hogshead, per 120	0	2	
pipe, per 120	0	2	
cutting, or board ends, per 1,000	0	2	
Steel, per cwt.	0	1	
Stones, viz. :—			15
Rubble, per ton	0	1	
Freestone, per ton	0	2	
Pavement, per ton	0	2	
Curb, per ton	0	2	
Causeway stones, per ton	0	1	20
Grindstones, each	0	2	
Millstones, each	0	6	
Ragstones, per 120	0	2	
Gravestones, each	1	0	
Sugarcandy, per cwt.	0	2	25
Sulphur ore, per ton	0	6	
Tallow, per cwt.	0	1½	
Tar, per barrel	0	2	
Tea, per common chest	0	3	
Ditto, per double chest	0	6	30
Tiles, viz. :			
Drain-tiles, per 1,000	0	3	
Pantiles, per 1,000	0	3	
Maltster's, per 1,000	0	8	
Tin of all kinds, per ton	0	6	35
Tow, per cwt.	0	1	
Treenails, per 1,000	0	2	
Trees, young, per barrel bulk	0	2	
Turnips and mangold, per ton	0	3	
Turpentine, per carboy	0	2	40
Varnish, per cwt.	0	1	
Vitriol, per carboy	0	2	
Whalebone, per cwt.	0	1	
Wheels, carriage or cart, per pair	0	3	
Whitening, per ton	0	6	45
Wine, per tun	4	0	

		s.	d.	A.D. 1874.
	Wire and wire netting, per cwt.	-	0	1
	Wood: On all timber of any denomination, not otherwise charged, per			<i>Eyemouth.</i>
	load of 50 feet	-	0	2
5	Mahogany, per load of 40 feet	-	1	0
	Wool, per cwt.	-	0	6
	Yarn, cotton, per barrel bulk	-	0	3
	Linen, per barrel bulk	-	0	3
	Wick for candles, per barrel bulk	-	0	3
10	Woollen, per barrel bulk	-	0	3
	Yeast, per puncheon	-	0	4
	All heavy articles not particularly mentioned in the schedule, per ton	-	0	6
	Every article, however small, not otherwise charged	-	0	0½

- 15 All goods not enumerated in the above schedule to be charged in proportion to other goods of a similar kind specified in the schedule.
- Goods imported and shifted to another vessel for exportation, and not landed, to pay only single duty.
- All goods having paid shore dues outwards are exempted from dues when brought inwards if they be returned goods to the original shipper and in the original state.
- 20 Five cubic feet, not exceeding two and a half hundredweight, to be rated a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated a barrel bulk.
- 25 In weighing and measuring goods for ascertaining the shore dues payable, the weight or measurement of the packages is to be included.

## GREAT YARMOUTH.

*Great  
Yarmouth.*

- 30 *Order for the construction of works in connexion with the South Pier at Great Yarmouth, and to amend the Great Yarmouth Port and Haven Act, 1866.*

1. This Order and the Acts incorporated herewith shall be read along with the Great Yarmouth Port and Haven Act, 1866, in this Order called "The Local Act," and the Local Act and this Order and the incorporated Acts shall be read together as one Act. Local Act and Order to be read together.
- 35 2. The Great Yarmouth Port and Haven Commissioners (in this Order called "the Commissioners") appointed under "the Local Act" shall be the Undertakers for carrying this Order into execution. Undertakers.

[229.]

E 2

*Great  
Yarmouth.*  
Incorporation  
of Lands  
Clauses Acts.  
Purchase of  
lands.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order.

4. For the purposes of the works authorised by this Order, the Commissioners may from time to time by agreement enter on, take, and use all or such parts 5 of the lands or foreshore shown on the plans deposited for the purposes of this Order as they think requisite.

Lands for  
extraordinary  
purposes.

5. The Commissioners may purchase and hold for extraordinary purposes land not exceeding in extent in the whole three acres.

Extraordinary  
purposes  
defined.

6. The extraordinary purposes for which the Commissioners may purchase 10 lands under this Order are the construction of all such breakwaters, spurs, groynes, revetments, jetties, and other works in connexion with the south pier, or with the north pier, or any present or future pier belonging to or within the port of Great Yarmouth, or near thereto respectively, and in the parish of Great Yarmouth; in the counties of Norfolk and Suffolk, or one of them, and in the 15 parish of Gorleston in the county of Suffolk, or one of those parishes, or the shore or bed of the sea adjoining to the same respectively, as may from time to time be considered necessary by the Commissioners for the protection, support, or improvement of the said piers or any of them, or the shore, beach, or land adjoining or near to the same respectively, and sanctioned or approved of by 20 the Board of Trade.

Power to make  
works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Commissioners may on the lands or foreshore taken by them 25 under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the extension of breakwater, breakwater, and works authorised by this Order.

Description  
of works  
authorised.

8. The works authorised by this Order comprise the following : 30

- (1.) An extension of the present south-eastern breakwater commencing at the southern extremity thereof, and extending thence in a direct line therewith for a distance of 180 feet or thereabouts :
- (2.) A breakwater commencing on the southern side of the south pier, near the pilot house, and extending thence in a south-westerly direction 35 for a distance of 300 feet or thereabouts :
- (3.) Two or more groynes extending from the cliff to below low-water line, and lying to the southward of the back roadway leading down to the beach near the south pier, and a revetment in continuation of the present revetment which extends in a south-westerly direction from 40 the said pier.

Works to be  
part of the  
Commissioners  
undertaking.

9. The extension of breakwater, breakwater, groynes, revetments, and works authorised by this Order, shall, for the purposes of management and maintenance, and in all other respects, be deemed works of the Commissioners as if they had been authorised by the Local Act. 45

A.D. 1874.

*Great  
Yarmouth.*  
Schedules to  
Harbour Act  
cancelled and  
new schedules  
substituted.

10. On and after the first day of September one thousand eight hundred and seventy-four, the second, third, and fourth schedules to the Local Act shall be deemed to be and are hereby cancelled, and the first, second, and third schedules to this Order shall be deemed to be and are hereby respectively substituted in the place of the second, third, and fourth schedules to the Local Act, and the Local Act shall be construed accordingly: Provided that any rates and duties due to the Commissioners before the first day of September one thousand eight hundred and seventy-four may be recovered as the rates and duties contained in the schedules to this Order are recoverable.

11. The Commissioners shall, on the requisition of the owner or master of any fishing vessel of any description entering into or departing from the haven for catching fish, and for no other trading purpose, compound with such owner or master for the payment of a fixed rate per ton as a composition for the several rates and dues which would be otherwise payable under this Order during any year, commencing the 25th day of March, in respect of such vessel, and the fish unloaded from or carried by such vessel, such composition to be calculated having regard to the scale of rates and dues in the first and second schedules to this Order, and every composition under this section shall be for one year only, and no rates due or paid shall be taken as part of or deducted from the composition: Provided always, that in order to obtain the benefit of the composition in respect of any fishing vessel, the owner or master thereof shall make and leave at the office of the Commissioners a requisition, in writing, at any time previous to the commencement of or during the year in respect to which the composition is required, and stating therein the name and tonnage of the vessel and the name and residence of the owner or master thereof, and the year for which the composition is required: Provided also, that every such composition shall be made with all such owners or masters on the same terms without favour to any above others.

Yearly composition for fishing vessels of any description.

12. Every vessel, yacht, or boat passing through the Haven Bridge (other than seaborne vessels in respect of which all rates payable under the Local Act and this Order have been duly paid) shall be liable to the charge for opening the bridge for the passage thereof; and no vessel, yacht, or boat shall be exempt from the payment of such charge on account of its being exempt from or not paying rates or tolls under the Local Act and this Order; and the 59th section of the Local Act shall be read and construed accordingly.

All vessels passing through the Haven Bridge to pay the charges for opening the bridge, except certain seaborne vessels.

13. No chalk carried on any of the rivers within the port of Great Yarmouth shall be exempt from the river tolls leviable under the Local Act or this Order, except chalk carried on any such rivers by the occupier of agricultural land for use upon his land as manure or for some agricultural purpose in connexion with such land, and the 113th section of the said Act shall be read and construed accordingly.

Chalk carried on rivers not to be exempt from river tolls unless destined for agricultural use.

14. The master and owner of every vessel upon or from which any fish, animals, or goods chargeable with any tolls, rates, or dues under the Local Act or this Order shall be shipped or unshipped shall, immediately after the shipping or unshipping of such fish, animals, or goods, become and be liable

Recovery of rates on goods by distress and sale of.

[229.]

E 3

A.D. 1874. for the payment to the Commissioners of all such tolls, rates, and dues, and if he refuse or neglect to pay the same or any part thereof the Commissioners shall have the same remedy for enforcing payment by distress and sale of the vessel, her tackle, apparel, and furniture, and exerciseable in the same manner as they have under the 44th section of The Harbours, Docks, and Piers Clauses Act, 1847 (incorporated with the Local Act), for enforcing payment of the rates referred to in that section. 5

*Great  
Yarmouth.*

Masters and  
owners to have  
lien on goods.

15. The master or owner of any vessel shall have a lien upon all fish, animals, or goods in respect to which he shall have paid any such toll, rate, or due as aforesaid, and may lawfully detain and hold possession of such fish, animals, or goods until he has been repaid the amount so paid by him, and in case such amount shall not be repaid to him within one calendar month (or in the case of green fish or perishable articles of any kind within a reasonable time, circumstances considered), after demand thereof on the owner or consignee of the fish, animals, or goods, either personally or by letter sent by post addressed to such owner or consignee at his last known place of abode, it shall be lawful for such master or owner to make sale of a competent part of the fish, animals, or goods detained by him, and to apply the proceeds of such sale in reimbursing himself the amount of tolls, rates, or dues so paid by him, the expenses of keeping the fish, animals, or goods detained by him, and the charges attending the sale, and he shall render the overplus (if any) of the proceeds of such sale to the owners or consignees of the fish, animals, or goods sold. 10 15 20

Certain fishing  
vessels under  
stress of wea-  
ther exempt  
from rates.

16. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the port and haven and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 25

Power to  
borrow on  
mortgage.

17. The Commissioners may from time to time borrow at interest, in addition to the sum of sixty thousand pounds authorised to be borrowed under the Local Act, any further sums, not exceeding in the whole the sum of fifteen thousand pounds, on mortgage of their rates, dues, and tolls (other than river tolls), and other property under the Local Act and this Order; and all provisions contained in or incorporated with the said Act with respect to borrowing and re-borrowing the said sum of sixty thousand pounds, and with respect to the sinking fund and the money borrowed, shall apply to borrowing and re-borrowing the money borrowed under this Order. 30 35

Existing mort-  
gages to have  
priority.

18. All mortgages of the Commissioners granted under the powers contained in the Local Act, or any Act thereby repealed, and subsisting at the time of the passing of the Act confirming this Order, shall, during the continuance of such mortgages, have priority over all mortgages made under this Order. 40

Application of  
money bor-  
rowed.

19. Every part of the money borrowed under this Order shall be applied only for the purposes of the Local Act and this Order.

Certain sec-  
tions of Har-  
bours, Docks,  
and Piers  
Clauses Act,  
1847, not to be  
incorporated.

20. Sections 16, 17, 18, 19, 25, and 26 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order. 45

21. The Commissioners shall, at the outer extremity of the extension and breakwater authorised by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the corporation of Trinity House, Deptford Strond.

A.D. 1874.

*Great Yarmouth.*  
Light to be exhibited.

5 22. In the following cases, that is to say,

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

Powers of Order to cease in certain events.

10 (2.) If such works after having been commenced shall be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

15 A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

20 23. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights under Crown.

25 24. All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Commissioners.

Costs of Order.

25. This Order may be cited as "The Great Yarmouth Port and Haven Order, 1874."

Short title.

## 80 SCHEDULES to which the foregoing Order refers.

### THE FIRST SCHEDULE.

#### RATES ON VESSELS.

£ s. d.

35 For every vessel entering or departing from the haven (not being a vessel otherwise charged in this schedule for such entering or departing):—

For every such vessel under the burden of 150 tons,

per register ton 0 0 4

[229.]

E 4

A.D. 1874.

*Great  
Yarmouth.*

	£	s.	d.
For every such vessel of the burden of 150 tons and upwards, per register ton	0	0	8
(But this rate shall not be payable on any such vessel departing from the haven and having paid the rate on entering therein.)			5
For every vessel entering into the haven for refuge only under the burden of 150 tons - - - - - per register ton	0	0	4
Of the burden of 150 tons and upwards - - - - - per register ton	0	0	8
(This rate is to be charged but once in respect of the same voyage.)			10
For every vessel entering into or departing from the haven, and landing or embarking passengers, in addition to the above rates:—			
In respect of every passenger landing or embarking - - - - -	0	0	1 15
For every steam or other vessel entering into or departing from the haven for the sole purpose of towing vessels per register ton per annum	0	10	0
(This rate to be payable for each year commencing on the 25th day of March, and to be due and payable on the day in each respective year on which the vessel shall for the first time in that year enter into or depart from the haven.)			20
For every lighter departing from or entering into the haven, and conveying fish, animals, or goods to or from any vessel in Yarmouth Roads within the port, if the vessel do not enter into or depart from the haven, for each trip from and to, or, as the case may be, to and from the haven - - - - - per ton	0	0	4
For every vessel prosecuting the herring fishery and entering into or departing from the haven at any time during the herring season, in the months of August, September, October, November, and December, or any of them:—			30
If decked, for each herring season - - - - -	1	0	0
If not decked - - - - -	0	10	0
For every vessel, prosecuting the mackerel fishery and entering into or departing from the haven at any time during the mackerel season, in the months of April, May, June, and July, or any of them, for each mackerel season - - - - -	0	10	0
(These rates to be due and payable on the day in each respective fishing season on which the vessel shall for the first time in that season enter into or depart from the haven.)			40
For every vessel remaining in the haven beyond one month, whether for trade or for refuge, for every additional month after the first month, a fraction of a month being considered as one month, per register ton - - - - -	0	0	2

A.D. 1874.

Great  
Yarmouth.

## THE SECOND SCHEDULE.

RATES OR DUES ON ANIMALS, FISH, AND GOODS, BUT NOT INCLUDING  
FRESH AND UNCURED FISH.

		£	s.	d.
5	Ale, porter, beer, cider, perry, oil (not otherwise enumerated in this schedule), and vinegar - - - per butt	0	0	6
	Ditto - - - per puncheon	0	0	4½
	Ditto - - - per hogshead	0	0	3
	Ditto - - - per barrel	0	0	2
10	Ditto - - - per kilderkin or runlet	0	0	1
	Ditto in bottles - - - per dozen	0	0	1
	Bottles, empty - - - per gross	0	0	2
	Casks, empty - - - each	0	0	0½
	Bricks and tiles :—			
15	Gutter, pan, mathematical, and plain tiles - per 1,000	0	1	0
	Bricks and paving tiles - per 1,000	0	1	0
	Carriages :—			
	Four-wheeled carriages - - - each	0	2	6
	Two-wheeled carriages - - - each	0	1	9
20	Cattle :—			
	Horses - - - each	0	0	6
	Bulls, oxen, cows - - - each	0	0	4
	Calves - - - each	0	0	2
	Sheep - - - per score	0	1	0
25	Lambs - - - per score	0	0	6
	Pigs - - - each	0	0	0½
	Clays, pipe-clay and fire-clay - - - per ton	0	0	6
	Clay, common - - - per ton	0	0	2
	Cloth, haberdashery, and the like not enumerated herein			
30	per barrel bulk	0	0	2
	Coals, coke, culm, cinders, and breeze - - - per ton	0	0	6
	Cotton and wool - - - per pack of 240 lbs.	0	0	8
	Glass or earthenware - - - per crate	0	0	4
	Grain and seeds :			
35	Wheat, barley, malt, oats, beans, peas, tares, buckwheat, Indian corn, canary, mustard, flax, rape, cotton, linseed, rye-grass, and other light seeds - - - per quarter	0	0	2
	Ditto - - - per ton	0	1	0
	Flour - - - per sack	0	0	1
40	Ditto - - - per barrel	0	0	1
	Meal, middlings and sharps - - - per quarter	0	0	1
	Pollard and bran - - - per quarter	0	0	1
	Ditto - - - per ton	0	0	6

[229.]

F



A.D. 1874.	Grain and seeds— <i>cont.</i>		£	s.	d.	
	Clover, trefoil, and other heavy seeds	- - - - -	per sack	0	0	2
<i>Great</i>	Ditto	- - - - -	per ton	0	1	0
<i>Yarmouth.</i>	Groceries:—					
	Sugar, dried fruits, bacon, cheese, butter, pork, beef, hams, tongues, salt (except salt for fisheries), salted fish, tallow, soap, candles, tobacco, alum, kelp, and all heavy grocery goods not enumerated herein	- - - - -	per ton	0	1	0
	Rice	- - - - -	per ton	0	1	0
	Rice, uncleaned, used in manufactures	- - - - -	per ton	0	0	6
	Tea, coffee, and spices	- - - - -	per cwt.	0	0	1½
	Oranges and lemons	- - - - -	per chest	0	0	1
	Molasses	- - - - -	per puncheon	0	0	6
	Salt for fisheries	- - - - -	per ton	0	0	6
	Madder	- - - - -	per cwt.	0	0	1
	Green groceries:—					15
	Potatoes, onions	- - - - -	per sack	0	0	0½
	Apples, pears, and green fruit	- - - - -	per bushel	0	0	0½
	Hops	- - - - -	per pocket	0	0	6
	Ditto	- - - - -	per barrel	0	0	4
	Beet, turnips, carrots, and the like roots	- - - - -	per ton	0	0	6
	Hardware	- - - - -	per barrel bulk	0	0	3
	Hay, straw, cinquefoil, and clover	- - - - -	per ton	0	1	0
	Hemp, flax, cordage, and yarn	- - - - -	per ton	0	1	0
	Herrings (salted or otherwise cured)	- - - - -	per barrel	0	0	2
	Herrings (salted in bulk)	- - - - -	per last	0	1	0
	Household furniture	- - - - -	per barrel bulk	0	0	1
	Ice	- - - - -	per ton	0	0	4
	Leather:—					
	Tanned hides (leather and calf skins)	- - - - -	per cwt.	0	0	1
	Raw hides	- - - - -	each	0	0	1
	Pelts	- - - - -	per hundred	0	0	5
	Tan and bark	- - - - -	per ton	0	1	0
	Lime	- - - - -	per ton	0	0	6
	Machinery, husbandry, and other utensils	- - - - -	per ton	0	1	8
	Ditto	- - - - -	per barrel bulk	0	0	4
	Manures:—					
	Guano and artificial manures, bones, bone dust, herring scales, and the like	- - - - -	per ton	0	0	10
	Street and stable manures and nightsoil	- - - - -	-	Free.		40
	Marl, loam, mould, gravel, sand, uncallow, chalk, mud for manufacturing uses, stones for manufacturing uses, stones (broken or otherwise) for repair of roads	- - - - -	per ton	0	0	2
	Metals and ores:—					
	Bar, bolt, rod, manufactured iron, iron castings	- - - - -	per ton	0	1	0
	Pig and old iron	- - - - -	per ton	0	0	8

Metals and ores—*cont.*

£ s. d. A.D. 1874.

Copper, lead, pewter, brass, tin, and all metals not enumerated  
herein - - - - - per ton 0 1 0

Ores and pyrites - - - - - per ton 0 0 6

## 5 Musical instruments:—

Organs - - - - - each 0 5 0

Pianofortes, harpsichords, harps, bass viols - - - each 0 1 6

Paraffin, petroleum, benzoline, turpentine, and other inflammable  
oils - - - - - per barrel 0 1 0

10 Pitch, tar, grease, and resin - - - - - per barrel 0 0 3

Tar water to be used in any manufacture, ammoniacal liquor, and  
the like - - - - - per ton 0 0 2

Rags, old rope, and the like - - - - - per ton 0 0 8

Rape cakes and other oil cakes - - - - - per ton 0 0 10

15 Spirits and wines - - - - - per pipe or butt 0 1 0

Ditto - - - - - per hogshead 0 0 6

Ditto - - - - - per quarter cask 0 0 3

Ditto - - - - - per octave 0 0 2

Spirits and wines under 20 gallons - - - - - at per gallon 0 0 0½

20 Ditto in bottles - - - - - per dozen 0 0 1

Stone, slate, plaster of Paris, cement stone - - - per ton 0 0 8

Marble - - - - - per cubic foot 0 0 1½

Asphalte, cement, and coprolites - - - - - per ton 0 0 6

Vitriol - - - - - per carboy 0 0 3

## 25 Wood:—

Oak, elm, pine, beech, fir, and other descriptions of wood not  
enumerated herein - - - per Custom-house load 0 1 0

Deals and battens - - - - - per Custom-house load 0 1 0

Lathwood - - - - - per Custom-house load 0 1 0

30 Pipe staves - - - - - per Custom-house load 0 1 0

Firewood - - - - - per Custom-house load 0 1 0

Mahogany, teakwood, lignum vitæ, fustic, logwood, and rose-  
wood - - - - - per ton 0 1 035 All goods not particularly enumerated in the above table or sche-  
dule:—

Light goods - - - - - per barrel bulk 0 0 2

Heavy goods - - - - - per ton 0 1 4

In charging the rates on fish and goods the gross weight or  
measurement of all goods to be taken, and for any less weights,  
40 measures, and quantities than those above specified in this  
schedule, a proportion of the respective rates shall be  
charged.Five cubic feet, not exceeding two and a half hundredweight,  
to be rated as a barrel bulk; but when the weight of five cubic  
45 feet is greater than two and a half hundredweight, then two  
and a half hundredweight to be rated as a barrel bulk.

[229.]

F 2

A.D. 1874.

*Great  
Yarmouth.*

Rates or dues on fish, fresh or uncured :—

Herrings	-	-	-	-	-	per thousand	0	0	2	
Mackerel	-	-	-	-	-	per hundred	0	0	1	
Codfish	-	-	-	-	-	per score	0	0	1	5
Fish in packages, not exceeding 56 lbs. in weight, per package							0	0	2	
All other fish in packages exceeding 56 lbs. in weight or not in packages	-	-	-	-	-	per ton	0	1	8	
In charging the rates on fish or goods the gross weight or measurement to be taken, and for any less weights, measures, and quantities than those specified in this schedule a proportion of the respective rates shall be charged.										10
Animals, fish, or goods imported and shifted to another vessel for exportation to the original port of destination to pay one rate only on importation and exportation.										15
Animals, fish, or goods imported and unloaded from any vessel entering for refuge only and reloaded by the same vessel for exportation to its original port of destination	-	-	-	-	-	Free.				
Animals, fish, and goods loaded from any wharf into any vessel, lighter or keel, and carried to another wharf and unloaded there within the haven, one-fourth part of the rates or duties from time to time charged in respect of animals, fish, and goods imported or exported.										20

### THE THIRD SCHEDULE.

#### RIVER RATES OR TOLLS ON VESSELS.

For every vessel navigating or using the rivers, or any of them, or any part thereof, other than registered vessels trading by sea from port to port, per ton burden or carrying power per annum - - - - - 1s. 0d.  
(This rate to be payable for each year commencing on the 25th day of March, and to be due and payable on the day in each respective year on which the vessel shall for the first time in that year navigate or use the rivers, or any of them, or any part thereof.)

#### RIVER RATES OR TOLLS ON ANIMALS, FISH, AND GOODS.

One-third part of the rates or tolls on animals, fish, and goods as respectively specified in the second schedule.

*Kinsale.*

### KINSALE.

35

#### *Order for amending "The Kinsale Harbour Order, 1870."*

Order of 1870  
and this Order  
to be read  
together.

1. This Order shall be read along with the Kinsale Harbour Order, 1870 (in this Order called the Order of 1870), and the Order of 1870 and this Order

A.D. 1874.

---

*Kinsale.*

**Quorum  
reduced to five.**

### New schedule of rates substituted.

**Sections of  
Harbours Acts  
not incorpo-  
rated.**

**Power to  
borrow money.**

**Application  
of money  
borrowed.**

**Incorporation  
of part of  
"Commis-  
sioners Clauses  
Act, 1847."**

### Costs of Order.

### 35 I.—RATES ON VESSELS USING OR ENTERING THE PORT AND HARBOUR OF KINSALE.

*s. d.*

0 1

A.D. 1874.

*Kinsale.*

	<i>s.</i>	<i>d.</i>
On all foreign-going ships anchoring in the harbour, per registered ton	0	1
On all foreign-going ships entering the harbour to discharge or load cargo, per registered ton	-	0 3
For every fishing hooker and sailing fishing vessel, whether partly or wholly decked, belonging to the harbour, or entering and using the harbour for the purpose of the fishery, payable in advance, annually the sum of	-	10 0

II.—RATES ON GOODS SHIPPED OR UNSHIPPED, RECEIVED OR DELIVERED  
WITHIN THE PORT AND HARBOUR OF KINSALE.

	<i>s.</i>	<i>d.</i>	
Bricks and tiles, per ton	0	1½	
Cattle—bulls, cows, oxen, and horses, each	0	1	
Cattle—calves, pigs, sheep, and lambs, each	0	0½	
Clover, turnips, and other seeds, not being corn, per sack	0	1½	15
Coals, per ton	0	1	
Deals, per 120	2	0	
Flour, per ton	0	1½	
Malt and grain, per ton	0	1½	
Gunpowder, per barrel	0	0½	20
Iron, per ton	0	1½	
Ice, per ton	0	1½	
Lead, per ton	0	1½	
Guano, and all other artificial manure, per ton	0	6	
Meal, per ton	0	1½	25
Potatoes, per ton	0	1	
Salt, per ton	0	1	
Slates, per ton	0	1½	
Timber of all kinds, per load of 50 feet	0	2	
All other goods not particularly enumerated above.			30
Light goods, per barrel bulk	0	1	
Heavy goods, per ton	0	2	
In charging the rates on all goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportionate part of the respective rate shall be charged.			35
Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.			

III.—RATES FOR BALLAST.

	<i>s.</i>	<i>d.</i>
All vessels not belonging to the port, for any quantity taken on board to pay per ton	-	0 2

A.D. 1874.

## LYBSTER.

*Lybster.*

*Order for power to levy rates, and for the confirmation of certain existing arrangements with reference to the Harbour of Lybster, in the parish of Latheron, in the county of Caithness.*

- 5 1. The Most Noble William John Cavendish Bentinck Scott, Duke of Portland, his heirs and assigns, or other the person or persons for the time being entitled to the receipt of the rents, rates, and profits of the harbour of Lybster, in the parish of Latheron in the county of Caithness, shall be the Undertakers for carrying this Order into execution. Definition of Undertakers.
- 10 2. The limits of the harbour within which the Undertakers shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise so much of the area below high-water mark of the sea or bay of Lybster as lies within a straight line drawn from the high-water mark at spring tides at the furthest projecting point of land at the western head of the said bay, called "the Stack," to the high-water mark at the most projecting point on the eastern head of the same bay, called "Ceann Grainag," and also the burn of Reisgill up to the new stone bridge over the same. Definition of limits.
- 15 3. After the passing of the Act confirming this Order, no works below high-water mark shall be commenced by or under the authority of the Undertakers within the limits of this Order without the consent of the Board of Trade having been first obtained, and sections twelve and thirteen of the Harbours, Docks, and Piers Clauses Act, 1847, as amended by the Harbours Transfer Act, 1862, shall extend and apply to all such works. If any works below high-water mark shall be commenced by or under the authority of the Undertakers within such limits without the consent of the Board of Trade, then from the time of commencement of such works the power by this Order conferred on the Undertakers to levy rates shall cease, but may at any time be revived by certificate of the Board of Trade after compliance by the Undertakers, with such terms or conditions (if any) as the Board of Trade may see fit to impose on the Undertakers. Works not to be commenced without consent of Board of Trade, otherwise rates to cease.
- 20 4. Subject and according to the provisions of this Order, and on and after the first day of September one thousand eight hundred and seventy-four, the Undertakers may for the use of the harbour and works demand and receive for and in respect of the vessels, animals, goods, and things described in the schedule to this Order any sum not exceeding the rates specified in such schedule. Power to levy rates.
- 25 5. On and after the first day of September one thousand eight hundred and seventy-four all tolls, rates, dues, or other payments heretofore payable, demanded, or received by the Duke of Portland or his predecessors in title in right of ownership of the harbour of Lybster shall cease to be payable, and shall no longer be demanded or received. Existing rates to cease.

A.D. 1874.

*Lybster.*Board of Trade  
may reduce  
rates.

6. After the accounts of the expenditure and receipts in respect of the harbour subsequent to the thirty-first day of October one thousand eight hundred and sixty-nine shall show that the total expenditure on the harbour and works after that day, together with interest on each item of expenditure from the date when it was incurred at the rate of five pounds per centum per annum, has been repaid out of receipts, then if at any time and from time to time the clear annual income derived from the harbour on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the annual sum of six hundred pounds, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid annual sum of six hundred pounds, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order. 5 10 15

Annual  
account to be  
sent to Board  
of Trade.

7. The Undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. 20

Certain fishing  
vessels under  
stress of  
weather ex-  
empt from  
rates.

8. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 25

Exemption of  
Customs  
officers.

9. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the harbour, and works by land, and with their vessels and otherwise, without payment. 30

Confirmation  
of arrange-  
ment with the  
Treasury.

10. The Undertakers shall be bound by and perform the obligations of the bond granted in or about the month of October in the year 1849 by Andrew Snody and the Honourable Robert Dunbar (then trustees for the estate in which the harbour is situate) to the Commissioners for the British White Herring Fishery, whereby, in consideration of a Parliamentary grant of six thousand pounds, advanced for the purpose of enlarging, improving, and repairing the harbour, the obligors under that bond bound and obliged themselves as trustees foresaid, and their successors in office, and also the person or persons who might succeed to or acquire the said estate of Lybster, or the lands on which the said harbour is situated, to give to all British and Irish boats employed in the fisheries, or carrying fish taken in the fisheries or materials for the prosecution of the said fisheries, and all boats resorting to the said harbour for refuge during tempestuous weather, or from any other temporary cause, free 35 40 45

- ingress to and landing at the harbour, with free egress therefrom, without the said boats, fish, or materials aforesaid being subjected to the payment of harbour or port dues, shore dues, fish tithes, or dues of any kind whatsoever, and that under the penalty of ten pounds sterling for each time that free
- 5 ingress to and landing at or egress from the said harbour free of all dues as aforesaid should be refused or prevented, declaring that the aforesaid exemptions did not extend to fish or the boats carrying them unless such fish should be in their natural state, or to such portions of the cargoes of said boats as might happen to be of a different description from that before
- 10 specified, except in the case of boats resorting to the said harbour for refuge, or from any other temporary cause; and whereby also the said trustees also bound and obliged themselves and their aforesaid to keep, uphold, and maintain the said harbour in good and sufficient order and repair from and after the time when the works (therein mentioned) should have been completed and
- 15 finally inspected and approved of by the engineer employed by the said Commissioners for the British White Herring Fishery, and in all time thereafter, so that boats should always have the same facilities of access thereto and accommodation thereat as at the time of the final inspection by the said engineer, but so that the obligation should not be held or con-
- 20 strued to be binding on them or their aforesaid beyond the amount of the funds collected from vessels, boats, and craft frequenting or entering the said harbour, and not exempted as aforesaid, of which funds they bound and obliged themselves and their aforesaid to keep an exact account, and to render the same or certified copies thereof to the said Commissioners for the British White
- 25 Herring Fishery as often as the same should be required by them.

A.D. 1874.

*Lybster.*

11. The Undertakers shall at all times after the passing of the Act confirming this Order, at their own expense, keep, uphold, and maintain the harbour and the works connected therewith, including the weir or silt catcher, on the burn of Reisgill, in good and sufficient order and repair, but shall not
- 30 be bound to expend for such purposes a greater sum than the balance, after deducting all money (if any) previously expended for the same purposes after the thirty-first day of October one thousand eight hundred and sixty-nine, of the total amount of the rates, tolls, and dues, including weir dues received by the Undertakers or their predecessors, in title, after the thirty-first day of
- 35 October one thousand eight hundred and sixty-nine. The Board of Trade may, if they see fit, at any time and from time to time inquire into and certify the balance (if any) liable to be so expended on the harbour and works, and such certificate shall be conclusive for all purposes.

Owners to keep harbour in repair.

12. The rates received under this Order shall be applied for the purposes
- 40 and in the order following, and not otherwise; that is to say,

Application of harbour rates.

- (1.) In paying the costs, charges, and expenses of applying for and obtaining this Order, or preparatory or incident thereto:
- (2.) In defraying the cost of the maintenance, repair, management, and regulation of the harbour and works:
- 45 (3.) Any surplus shall belong to the Undertakers for their own use.

[229.]

G



*Lybster.*

Excepting  
certain sections  
of Harbours,  
Docks, and  
Piers Clauses  
Act, 1847.

13. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections numbered 6 to 11 both inclusive, 16 to 19 both inclusive, and 24 to 26 both inclusive.

Meters and  
weighers.

14. The Undertakers shall have the appointment of meters and weighers on 5 or in connection with the harbour.

Light to be  
exhibited.

15. The Undertakers shall at the outer extremity of the harbour exhibit from sunset to sunrise such light or lights, if any, and in such positions as shall from time to time be directed by the Commissioners of Northern Lighthouses.

Power to make  
byelaws.

16. The Undertakers may make byelaws for the regulation and control 10 of the fishermen and others, and goods and traffic; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Saving of  
rights under  
Crown Lands  
Act, 1866.

17. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the 15 Board of Trade by "The Crown Lands Act, 1866," nor shall any such rights, interests, powers, authorities, or privileges be affected without the consent of the Board of Trade having been first obtained.

Short title.

18. This Order may be cited as "The Lybster Harbour Order, 1874."

### SCHEDULE to which the foregoing Order refers.

20

#### I.—DUES ON VESSELS USING THE HARBOUR.

For every vessel or boat each time of entering the Harbour there shall be paid:—

		£	s.	d.	
If under the burden of fifteen tons	- - - per ton	0	0	1	25
From fifteen tons to forty-five tons	- - - per ton	0	0	2	
From forty-five tons upwards	- - - per ton	0	0	4	
For vessels coming in ballast	- - - per ton	0	0	2	
(But no vessel having a part of a cargo or any article cleared out at a custom house shall be considered in ballast.)					30
For any vessel that may remain in the harbour for a longer period than ten days at any one time during the fishing season, from 1st July to 1st November, one additional tonnage rate not exceeding the amount of the above rates shall be paid.					
For any vessel that may lie up or winter in the harbour	- per ton	0	0	6	35
For every boat using the harbour during the fishing season there shall be paid as weir due for clearing out the weir or silt-catcher on the burn	- - - - -	-	0	10	0

## II.—RATES ON GOODS SHIPPED OR UNSHIPED.

A.D. 1874.

		£	s.	d.	
	For salt, coal, or lime	-	-	-	per ton 0 0 4
	For grain or meal	-	-	-	per boll 0 0 1
5	For potatoes	-	-	-	per boll 0 0 2
	For all kinds of wood, 2½ per cent. on the price.				
	For slates	-	-	-	per 1000 0 1 0
	For tiles	-	-	-	per 1000 0 0 6
	For ale or beer	-	-	-	per barrel bulk 0 0 2
10	For cured herrings or other fish	-	-	-	per barrel 0 0 1
	For empty barrels	-	-	-	each 0 0 0½
	For bark in bulk	-	-	-	per ton 0 1 0
	For cutch bark	-	-	-	per ton 0 1 6
	For hemp	-	-	-	per ton 0 1 0
15	For bricks	-	-	-	per 1000 0 1 0
	For burnwood	-	-	-	per ton 0 0 8
	For freestone	-	-	-	per ton 0 0 4
	For pavement	-	-	-	per ton 0 0 4
	For tar	-	-	-	per barrel 0 0 3
20	For oilcake	-	-	-	per ton 0 0 4
	For manures	-	-	-	per ton 0 0 4
	For other articles or commodities	-	-	-	per barrel bulk 0 0 2
	For cattle, viz. :—				
	Bulls	-	-	-	each 0 0 3
25	Cows and oxen	-	-	-	each 0 0 2
	Calves	-	-	-	each 0 0 0½
	Horses	-	-	-	each 0 0 2
	Pigs	-	-	-	each 0 0 0½
	Sheep	-	-	-	per score 0 0 6
30	Lambs	-	-	-	per score 0 0 3
	Other animals not here specified	-	-	-	each 0 0 0½

Goods transferred from one vessel to another within the harbour without being landed on quays to pay same rates as if landed.

The barrel bulk shall be held to contain five cubic feet.

35 *Exemptions.*

All boats employed in the fisheries, or carrying fish in their natural state taken in the fisheries or materials for the prosecution of the fisheries, shall be exempt from all dues except the weir due; and all vessels or boats resorting to the harbour for refuge during tempestuous weather or from any other temporary cause shall be exempt from all dues.

## 40

So much of the cargo of any boat employed in the fisheries as consists of fish in their natural state, or materials for the prosecution of the fisheries, shall be exempt from all rates.

All returned empty boxes, barrels, sacks, and packages shall be exempt from all rates.

## 45

The furniture and luggage of fishermen coming to and returning from the herring fishing at the commencement or end of the fishing season shall be exempt from all rates.

A.D. 1874.

*Lybster.*

## III.—RATES FOR WEIGHING.

1. *Cranes.*

				£	s.	d.
All goods or packages not exceeding one ton	-	-	-	0	0	4
Exceeding one ton and „ two tons	-	-	-	0	0	6 5
„ two tons „ three tons	-	-	-	0	0	8
„ three tons „ four tons	-	-	-	0	0	10
„ four tons „ five tons	-	-	-	0	1	0
„ five tons „ six tons	-	-	-	0	1	2
„ six tons „ seven tons	-	-	-	0	1	4 10
„ seven tons „ eight tons	-	-	-	0	1	6
„ eight tons „ nine tons	-	-	-	0	1	10
„ nine tons „ ten tons	-	-	-	0	2	4
„ ten tons	-	-	-	0	3	6

Or in lieu of the above rates

15

For each hour or part of an hour - - - - - 0 1 0

2. *Weighing Machines.*

For goods weighed, for each ton or part of a ton - - - - - 0 0 2

## IV.—RATES FOR GANGWAYS.

For each horse	-	-	-	-	0	0	9	20
For each bull, cow, ox, or calf	-	-	-	-	0	0	6	
For each score or part of a score of sheep or lambs	-	-	-	-	0	0	6	
For each pig or other animal not here specified	-	-	-	-	0	0	3	

## V.—SHED DUES.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt. which shall remain in the sheds, or on the pier, for a longer time than 48 hours, for the first day or part of a day	-	0	0	3	25
And for each day thereafter	-	-	-	per ton	0 0 1½
For each portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day	-	-	-	-	0 0 2 30

## VI.—BALLAST DUES.

Receiving	-	-	-	-	-	per ton	0	0	10
Discharging	-	-	-	-	-	per ton	0	0	8

## SANDOWN.

A.D. 1874.

*Sandown.**Order for the construction, maintenance, and regulation of a Pier at Sandown, in the Isle of Wight.*

1. The Sandown Pier Company (Limited), in this Order called "the Com- Undertakers.  
 5 pany," shall be the Undertakers of the works authorised by this Order.
2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869" (except Lands Clauses  
 so much thereof as relates to the purchase and taking of lands otherwise than Acts incorpo-  
 by agreement), shall be incorporated with this Order. rated.
3. For the purposes of the works authorised by this Order, the Undertakers Power to take  
 10 from time to time may, by agreement, enter upon and take and may use such lands by agree-  
 of the lands and such parts of the foreshore shown on the plans deposited for ment.  
 the purpose of this Order as they think requisite.
4. Subject to the provisions of this Order, and subject also to such alteration Power to  
 (if any) in the deposited plans as the Board of Trade require from time to execute works.  
 15 time before the completion of the works, in order to prevent injury to navigation, the Undertakers may, on the lands or foreshore taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the works authorised by  
 20 this Order.
5. The works authorised by this Order comprise the following:— Description of  
 A pier or jetty at Sandown, in the parish of Brading, in the Isle of Wight, works autho-  
 commencing at a point called Battery Road Slipway, shown on the rised.  
 deposited plans, and extending in a southerly direction across the  
 25 foreshore and into the sea for a distance of seven hundred feet or there-  
 abouts :  
 All necessary dredgings, moorings, breakwaters, piers, quays, wharves,  
 warehouses, sheds, stages, slips, docks, sluices, locks, landing-places,  
 bridges, approaches, and other works and conveniences in the waters and  
 30 on the foreshore adjoining the same, and in connexion with the intended  
 pier or works before described.
6. The Undertakers may from time to time erect upon the pier or approaches Further powers  
 toll-houses, waiting, refreshment, and other rooms, and may sell or lease such as to works  
 houses and rooms, and may also sell or lease the tolls, rates, and duties autho- and lease of  
 35 rised to be taken by this Order upon such terms and conditions and for such rooms, tolls,  
 period as they may think fit; and the purchasers of the tolls, rates, and duties &c.  
 authorised to be taken by this Order, and the lessee or lessees thereof during the continuance of his or their lease, shall have and may exercise the same power of levying and recovering the said rates as the Undertakers have or  
 40 might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847," and this Order, and shall be subject to all the same provisions as to accounts and otherwise to which the Undertakers are made subject by this Order.

[229.]

G 3

A.D. 1874.

*Sandown.*  
Power to take  
rates according  
to schedule to  
this Order.

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works, demand 5 and receive in respect of persons, and things described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule.

Board of Trade  
may reduce  
rates.

8. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid up capital of the Company on the 10 average of the then three last preceding years exceed the rate of ten pounds per cent. per annum on such paid up capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the said rates shall 15 thereupon be reduced accordingly, with power to the Board of Trade at any time, and from time to time, if and when the profits fall below the said rate of ten per cent. per annum, to authorise the Company to raise the rates again to not exceeding the amounts specified in the schedule to this Order.

Annual account  
to be sent to  
Board of  
Trade.

9. The Company, within one month after sending to the clerk of the peace 20 the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and 25 every such account.

Certain fishing  
vessels under  
stress of  
weather  
exempt from  
rates.

10. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier 30 authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may  
contract with  
persons for  
the use of the  
pier.

11. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier, on such terms and for such a period not exceeding one year as are agreed on, but so that no preference be given to any person. 35 A pass ticket shall not be transferable, and shall not be used by any person, except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be 40 recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act.

Custom House  
officers exempt  
from rates.

12. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land, 45 and with their vessels and otherwise, without payment.

13. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effecting any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable. A.D. 1874.  
*Sandown.*  
Steam engines,  
diving bells,  
lighters, &c.
14. The Undertakers may make byelaws for the regulation and control of the fishermen and others, and goods and traffic on the pier and works authorised by this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. Power to make  
byelaws.
15. The Undertakers shall have the appointment of meters and weighers on and in connexion with the pier. Meters and  
weighers.
16. The Company shall, at the outer extremity of the pier and works authorised by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. Lights to be  
exhibited.
17. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections sixteen to nineteen inclusive, twenty-one to twenty-four inclusive, twenty-seven, thirty-four to forty-six inclusive, forty-eight, forty-nine, and sixty-six to sixty-eight inclusive. Parts of Har-  
bours, &c.  
Act, 1847,  
excepted.
18. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers. Restriction on  
use of pier.
19. No vessel or boat, except steamboats and pleasure boats embarking or disembarking passengers and their luggage, shall be allowed to be moored alongside the pier without the consent of the Undertakers, and then only upon such terms as shall be approved by the Board of Trade. Vessels not to  
be moored to  
pier without  
consent.
20. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the parish of Brading, and within the jurisdiction of the justices acting in or for the county of Southampton. Pier to be  
deemed within  
parish of Bra-  
ding and county  
of South-  
ampton.
21. In the following cases ; (that is to say,) Powers to  
cease on  
certain events.
- (1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced ; or
- (2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months ;
- the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

- A.D. 1874. A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.
- Sandown.*
- Saving rights under Crown Lands Act, 1866. 22. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained. 5 10
- Repeal of previous Order of 1864. 23. "The Sandown Pier Order, 1864," confirmed by "The Pier and Harbour Orders Confirmation Act, 1864," shall be and the same Order is hereby, from and after the passing of the Act confirming this Order, repealed. 10
- Costs of Order. 24. All the costs, charges, or expenses of and incidental to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company. 15
- Short title. 25. This Order may be cited as "The Sandown Pier Order, 1874."

SCHEDULE to which this Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER. 20

For every passenger or other person who shall land on the pier or works from any steam or other vessel, packet, passage boat, or other boat, or embark therefrom on board any steam or other vessel, packet, passage boat, or other boat, any sum not exceeding	s.	d.	
- - - - -	0	6	25
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0	3	
For every bath or sedan chair taken on the pier, for each and every time any sum not exceeding	0	6	30
For every perambulator	0	4	
For any master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0	

II.—RATES ON PASSENGERS LUGGAGE. 35

For every trunk, portmanteau, box, parcel, or other package whatsoever within the description of luggage, shipped or unshipped at or within the pier or works, not exceeding 28 lbs.	-	-	0	2
Over 28 lbs. and not exceeding 84 lbs.	-	-	0	4

					<i>s.</i>	<i>d.</i>	A.D. 1874.
	Over 84 lbs. and not exceeding 112 lbs.	-	-	-	0	5	—
	Over 112 lbs. and not exceeding 140 lbs.	-	-	-	0	6	<i>Sandown.</i>
	Over 140 lbs. and not exceeding 196 lbs.	-	-	-	0	7	
5	Over 196 lbs. and not exceeding 2 cwt.	-	-	-	0	8	
	And for every cwt. beyond	-	-	-	0	4	
	And for every 20 lbs. weight in addition	-	-	-	0	1	

III.—RATES FOR SUPPLYING WATER ON PIER.

Water, per ton	-	-	-	-	-	0	6
----------------	---	---	---	---	---	---	---

10 IV.—WEIGHING MACHINES.

For goods weighed for each ton or part of a ton	-	-	-	-	0	2
---	---	---	---	---	---	---

SIDMOUTH.

*Sidmouth.*

15 *Order for the construction, maintenance, and regulation of Piers, Landing-places, and other works at Sidmouth, in the parish of Salcombe Regis in the county of Devon.*

1. John Dunning, of Middlesbrough in the North Riding of the county of York, and Sidmouth in the county of Devon, gas engineer, his heirs, executors, administrators, and assigns, or other the person or persons from time to time entitled to the possession or to the receipt of the rents, rates, and profits of the works to which this Order relates, shall be the Undertakers of the works authorised by this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the Undertakers, and may carry this Order in all respects into execution. Undertakers.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except so much thereof as relates to the purchase or taking of lands otherwise than by agreement) shall respectively be incorporated with this Order. Incorporation of Lands Clauses Act.

3. The limits within which the Undertakers shall have authority, and which, except where otherwise expressly provided by this Order, shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the works by this Order authorised, and the lands, foreshore, and sea contained within the same, and shall include the area within a distance of ten yards measured in any direction from the outer western side of the West Pier (such limit in no case extending into the parish of Sidmouth or westward of the western limits of deviation shown on the plans deposited with reference to this Order), and within a distance of fifty yards measured in any direction from the other outer sides of the piers. Limits.

4. For the purposes of the works authorised by this Order, the Undertakers from time to time may appropriate, or may by agreement enter upon and take and may use, such of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the piers and landing-places, and the works and conveniences connected therewith. Power to take lands by agreement.

[229.]

H



A.D. 1874.

*Sidmouth.*Power to make  
works.

5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order, as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Undertakers may, on the lands appropriated by them or taken by them under this Order, and in the lines and situations and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on these plans, make and maintain the piers, landing-places, and works authorised by this Order.

Description  
of works  
authorised.

6. The works authorised by this Order comprise the following :— 10

1. A pier or jetty, to be called the "West Pier," in the parish of Salcombe Regis in the county of Devon, with landing-places, approaches, and other conveniences connected therewith; such pier or jetty to commence at a point situate about one hundred and five feet measured eastward from the eastern end of and in a line with the existing sea wall, and extending thence seaward in a southerly direction, and terminating in the sea at a point distant three hundred and forty-five feet, or thereabouts, from the aforesaid point of commencement : 15

2. A pier or jetty, to be called the "East Pier," in the said parish of Salcombe Regis, with all proper landing-places, sea walls, roads, approaches, tramways, and other conveniences connected therewith, such pier or jetty to commence at a point situate about three hundred and eighty-five feet measured in an easterly direction, and in line with the existing sea wall from the east end of such sea wall, extending thence seaward in a southerly direction for a distance of one hundred and seventy feet into the sea, and thence curving and extending in a westerly direction for a distance of two hundred and forty-feet, or thereabouts : 25

All such sea walls, roads, approaches, landing-places, and other works connected with the said piers, for the convenient loading and unloading of vessels, and for embarking and landing of passengers, cattle, coals, goods, merchandise, and things as shall be deemed necessary. 30

Provided always, that if the Undertakers shall in any way interfere with the public path or bridge over the river Sid to Salcombe Cliff, they shall construct, to the satisfaction of the local authority of Salcombe Regis, a new path in lieu of the path or portion of path interfered with, and also a new bridge in lieu of the bridge interfered with, both path and bridge to be equally convenient for the use of the public. 35

Penalty for  
obstructing  
works.

7. Every person who wilfully obstructs any person acting under the authority of the Undertakers, in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding five pounds. 40

Power to take  
rates in  
schedule.

8. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Undertakers may, subject and according to 45

the provisions of this Order, for the use of the piers, landing-places, tramways, works, and conveniences connected therewith, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things described in the schedule to this Order any sums not exceeding the rates in that schedule mentioned: Provided nevertheless, that no toll, due, or other payment shall be demanded or received from any vessel or boat landing or embarking passengers or goods upon or otherwise using the foreshore or beach within the limits of this Order, unless such vessel or boat shall use some part of the works constructed under the authority of this Order, or the shelter by such works provided between the said piers, and then only such tolls and dues as are hereby authorised.

A.D. 1874.

*Sidmouth.*

9. The Undertakers may from time to time erect upon or near the piers or landing-places, or the approaches thereto, tramways, toll-houses, seats, waiting, refreshment, and other rooms, and being owners in fee simple may sell, let, and lease their undertaking and works, or any part or parts thereof, or the tolls, rates, duties, and other charges authorised to be taken by this Order, to such person or persons, company, local authority, commissioners, or corporation, upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit, and any owner for an estate less than a fee simple may let or lease as aforesaid for any term not exceeding fourteen years at the best rent to be reasonably obtained without a premium, and the purchaser or lessee shall have and may exercise all the same powers of levying and recovering tolls, rates, and dues as the Undertakers have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise as the Undertakers are subject to under this Order.

Further powers as to works and to sell or lease undertaking.

10. If at any time, and from time to time, the clear annual income derived from the pier and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per cent. per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the amounts specified in the schedule to this Order.

Board of Trade may reduce rates.

11. The Undertakers, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account.

Annual account to be sent to Board of Trade.

- . A.D. 1874. 12. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in ports or on the coasts of the United Kingdom shall; when forced by stress of weather to make use of the piers authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 5
- Sidmouth.*  
Certain fishing vessels under stress of weather exempt from rates.
- Pass tickets for use of pier. 13. The Undertakers may grant to passengers, promenaders, and others pass tickets for the use of the pier and works at such rates, on such terms, and for such periods not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable 10 nor used by any person other than the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties 15 are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.
- Exemptions of Custom House officers from rates. 14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress from, to, over, and along the piers 20 and works by land and with their vessels without payment.
- Steam engines, cranes, mooring posts, &c. 15. The Undertakers may provide and use such steam-engines, piling engines, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Undertakers, or for any of 25 the purposes of this Order; and may demand and take such sums for the use thereof as they think reasonable.
- Restriction and use of piers. 16. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at any pier, jetty, or landing-place authorised by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which in 30 the judgment of the Undertakers might in any way interfere with the use of the piers, jetties, or passengers' landing-places, for recreation or for embarking or landing of passengers, except at the places provided for the purpose of landing or shipping of cattle, merchandise, and other like things.
- Power to borrow. 17. The Undertakers may from time to time borrow at interest such money 35 as may be required for carrying into effect the purposes of this Order, not exceeding the sum of ten thousand pounds, on the security of the piers and other works, and the rates and dues authorised by this Order, and any money which, under the provisions of this Order, shall become charged on the rates authorised by this Order, and shall be discharged otherwise than by means of 40 the sinking fund in this Order mentioned, may be re-borrowed if required for the purposes of this Order, and so toties quoties.
- Commissioners Clauses Act as to mortgages incorporated. 18. The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall be incorporated

with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest. A.D. 1874.  
Sidmouth.

19. The mortgagees of the undertakers may enforce payment of arrears of interest, or of principal and interest, due on their respective mortgages by the appointment of a receiver at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorise a receiver is one thousand pounds, in one or more mortgage bonds or debentures. Appointment of receiver.
20. Every part of the moneys borrowed under this Order shall be applied only for the purposes of this Order. Application of money borrowed.
21. The rates received under this Order shall be applied for the purposes and in the order following, and not otherwise; that is to say,
1. In paying the expenses of and connected with the applying for, obtaining, and making of this Order:
2. In paying the cost of the maintenance, repair, management, and regulation of the pier, landing-places, and other works by this Order authorised:
3. In paying year by year the interest of money borrowed under this Order, or otherwise becoming a charge on the rates received under this Order:
4. In creating a sinking fund in manner and so far as the circumstances of the case will admit in the proportion directed by the Commissioners Clauses Act, 1847:
5. So much of the rates as may remain after answering the several purposes aforesaid shall belong to the Undertakers for their own use. Application of rates and income.
22. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, or within the limits of this Order, requiring the cognizance of any justice of the peace, be deemed and taken to be within the same jurisdiction as that part of the shore with which it shall immediately communicate. Pier to be deemed within the contiguous jurisdiction.
23. Sections 16, 17, 18, and 19 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order. Parts of Harbours, &c., Act excepted.
24. The Undertakers shall have the appointment of meters and weighers on or in connexion with the piers. Meters and weighers.
25. The Undertakers shall, at the outer extremity of the piers and works authorised by this Order, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. Light to be exhibited.
26. The Undertakers may make byelaws for the regulation and control of the fishermen and others, and goods and traffic, on the piers and works authorised by this Order; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. Power to make byelaws.

- A.D. 1874. 27. No vessel or boat shall, without the consent of the pier-master, anchor below low-water mark within a distance of fifty yards measured in any direction from any part of the works by this Order authorised to be constructed, nor above low-water mark within the parish of Salcombe Regis east of the western limit of deviation shown on the said deposited plans. 5
- Sidmouth.*  
Vessels not to anchor within fifty yards without consent.  
Powers to cease in certain events.
28. In the following cases; (that is to say,) 5
1. If within two years\* from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or,
2. If such works, after having been commenced, should be virtually suspended 10  
for twelve consecutive calendar months,
- the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion be extended by the special direction of the Board of Trade. 15
- Board of Trade certificate to be conclusive evidence.
- A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.
29. This Order shall not be taken as a consent to the surrender of any rights, 20  
interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. 25
- Saving rights under Crown Lands Act, 1866.
30. This Order shall not be taken to prejudice, take away, or affect such legal rights (if any) as the Corporation of Exeter may have within the limits within which the Undertakers have authority under this Order.
- Saving rights of Corporation of Exeter.
31. All the costs, charges, and expenses of and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the 30  
Undertakers.
- Costs of Order.
32. This Order may be cited as "The Sidmouth Piers Order, 1874."
- Short title.

SCHEDULE to which the foregoing Order relates.

I.—RATES ON VESSELS, &c. USING THE PIER, OR ENTERING WITHIN OR LEAVING THE LIMITS OF THIS ORDER.				35
		£	s.	d.
For every vessel under the burden of 15 tons -	- per ton	0	0	4
For every vessel of the burden of 15 tons and under 50 tons -	-	„	0	0 6
For every vessel of the burden of 50 tons and under 100 tons -	-	„	0	0 8
For every vessel of the burden of 100 tons and under 150 tons -	-	„	0	0 10

			£	s.	d.	A.D. 1874.
	For every vessel of the burden of 150 tons and upwards	per ton	0	1	0	<i>Sidmouth.</i>
	All lighters, for each trip	- - - - - „	0	0	6	
	All boats, entirely open, landing or taking on board					
5	goods	- - - - - each	0	0	6	

II.—RATES FOR ANIMALS, GOODS, FISH, &c., SHIPPED, OR UNSHIPED, OR TRANSHIPPED AT THE PIERS AND LANDING-PLACES, OR WITHIN THE LIMITS OF THIS ORDER.

*For Animals.*

10	Bulls	- - - - - each	0	1	0
	Calves	- - - - - „	0	0	4
	Cows and Oxen	- - - - - „	0	0	8
	Horses	- - - - - „	0	1	0
	Pigs	- - - - - „	0	0	4
15	Sheep	- - - - - „	0	0	4
	Lambs	- - - - - „	0	0	2
	Light goods	- - - - - per cubic foot	0	0	1
	Heavy goods	- - - - - per ton	0	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

*For Fish.*

	Herrings	- - - - - per basket or pad	0	0	3
	Mackerel	- - - - - per 120	0	0	2
25	Pilchards	- - - - - per hogshead	0	0	6
	Turbot	- - - - - per score	0	1	6
	Turtle	- - - - - each	0	2	6
	Other fish	- - - - - per cwt.	0	0	3
	Ditto	- - - - - per basket or pad	0	0	2

30 III.—RATES FOR USE OF WEIGHING MACHINES.

	For goods weighed, for each ton or part of a ton	- - -	0	0	2
--	--	-------	---	---	---

IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding	-	0	0	4
35	For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each time any sum not exceeding	- - - - -	0	0	4
40	For every bath or sedan chair taken on the pier, for each time any sum not exceeding	- - - - -	0	0	6

A.D. 1874.

*Sidmouth.*

	£	s.	d.
For every perambulator taken on the pier, for each time any sum not exceeding - - - - -	0	0	2
For every master of any vessel, boat, or wherry using the said pier for the purpose of going or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	1	0	0

5

## V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - - - -	0	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - - -	0	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	0	8
And for every cwt. beyond - - - - -	0	0	4
And for every 20 lbs. weight in addition - - - - -	0	0	1

15

## VI.—RATES FOR USE OF TRAMWAY.

For every passenger using the tramway, for each time any sum not exceeding - - - - -	0	0	3
Light goods, per cubic foot - - - - -	0	0	1
Heavy goods, per ton not exceeding - - - - -	0	2	0

20

For passengers' luggage, rates not exceeding rates on same for use of pier.

*Tees.*

## TEES.

*Order for extending the time for the completion of Graving Dock authorised by the Tees Conservancy Act, 1867.* 25

The Acts and this Order to be read together.

1. This Order shall be read along with the Tees Conservancy and Stockton Dock Act, 1852, the Tees Conservancy Act, 1854, the Tees Conservancy Act, 1858, the Tees Conservancy Act, 1863, (in this Order called the Act of 1863,) and the Tees Conservancy Act, 1867, (in this Order called the Act of 1867); and the Act of 1863 and the Act of 1867 and this Order shall be construed together as one Act. 30

Extension of time for completion of graving dock.

2. Notwithstanding anything in the Act of 1867 contained, the time for the completion of the graving dock and other works authorised by that Act shall be five years after the passing of the Act confirming this Order, and on the expiration of that period the powers by the Act of 1867 and by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such dock and works as may be completed within the before-mentioned period. 35

3. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor of any rights, powers, or authorities reserved to the Board of Trade by the Act of 1867.

*Tees.*  
Saving rights  
under Crown  
Lands Act,  
1866.

5 4. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Tees Conservancy Commissioners.

Cost of Order.

5. This Order may be cited as "The Tees Conservancy Order, 1874."

Short title.

## YARMOUTH (ISLE OF WIGHT).

*Yarmouth,*  
*I.W.*

### 10 *Order for the construction, maintenance, and regulation of a Pier and other works at Yarmouth, in the Isle of Wight and county of Southampton.*

15 1. The mayor and chief burgesses of the borough of Yarmouth, in the Isle of Wight, their successors and assigns, or other the person or persons from time to time entitled to the possession or to the receipt of the rents, rates, and profits of the works to which this Order relates, shall be the Undertakers of the works authorised by this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the Undertakers, and may carry this Order in all respects into execution.

Undertakers.

20 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except so much thereof as relates to the purchase or taking of lands otherwise than by agreement) are hereby respectively incorporated with this Order.

Incorporation  
of Lands  
Clauses Acts.

25 3. For the purposes of the works authorised by this Order, the Undertakers from time to time may appropriate or may by agreement enter upon and take, and may use, such of the lands and such parts of the foreshore shown on the plans deposited for the purpose of this Order and the conveniences connected therewith as they think expedient.

Power to take  
lands by  
agreement.

30 4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Undertakers may, on the lands or foreshore appropriated by them or taken by them under this Order, and in the lines and situations and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within  
35 the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order.

Power to  
make works.

5. The works authorised by this Order comprise the following:—

A pier and jetty at Yarmouth, in the Isle of Wight and county of Southampton, with a landing place and all necessary works and conveniences for the embarking and landing of passengers, goods, and

Description  
of works  
authorised.

40

[229.]

I



A.D. 1874.

*Yarmouth,  
I.W.*

merchandise, and for other purposes. The pier shall be constructed of open pile work, and shall commence at or near the northern extremity of a certain street in Yarmouth, called Bank Street, and shall extend seaward for a distance of 700 feet or thereabouts.

Power to take  
rates.

6. When a certificate has been obtained by the Undertakers from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the pier and works authorised by this Order have been given, the Undertakers may, subject and according to the provisions of this Order, for the use of the pier and works connected therewith, demand and take in respect of vessels, persons, goods, and things described in the schedule to this Order, any sums not exceeding the rates in that schedule mentioned. 5 10

Further power  
as to works,  
and to sell  
or lease under-  
taking.

7. The Undertakers may from time to time erect upon or near the pier or the approaches thereto toll-houses, seats, waiting, refreshment, and other rooms, and may lease their undertaking and works or any part or parts thereof, or the tolls, rates, duties, and other charges authorised to be taken by this Order, for any term not exceeding twenty-one years in possession, at the best rent to be reasonably obtained without premium, to such person or persons, company, local authority, commissioners, or corporation, upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit; and the lessee shall have and may exercise all the same powers of levying and recovering tolls, rates, and dues as the Undertakers have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise as the Undertakers are subject to under this Order. 15 20

Rates to be  
revised from  
time to time.

8. The Undertakers shall keep separate accounts of the duties and rates received by them under this Order, and shall from time to time revise such rates so that the total produce of the rates received under this Order may always be as far as practicable sufficient and not more than sufficient to meet the payments and expenditure authorised or directed by this Order. 25

Copy of annual  
account to be  
sent to Board  
of Trade.

9. The Undertakers, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. 30 35

Certain fishing  
vessels under  
stress of  
weather ex-  
empt from  
rates.

10. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 40

Pass tickets  
for use of pier.

11. The Undertakers may grant to passengers, promenaders, and others pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods not exceeding one year as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable 45

nor be used by any person other than the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act.

A.D. 1874.  
Yarmouth,  
I.W.

12. Officers of customs in the execution of their duty shall at all times have free passage and ingress from, to, and over the pier and works by land and with their vessels without payment.

Exemption of  
Custom House  
officers from  
rates.

13. The Undertakers may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle and other machinery, vessels, apparatus, and conveniences, as they think proper for carrying on the business of the Undertakers, or for any of the purposes of this Order, and may demand and take such sums for the use thereof, as they think reasonable.

Steam engines,  
diving bells,  
lighters, &c.

14. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier, jetty, or landing-place authorised by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Undertakers might in any manner interfere with the use of the pier, jetty, or landing-place for recreation, or for the embarking or landing of passengers.

Restriction on  
use of pier.

15. The Undertakers may from time to time borrow at interest such money as may be required for carrying into effect the purposes of this Order, not exceeding the sum of three thousand five hundred pounds, on the security of the pier and other works and the rates and dues authorised by this Order, either alone or together with any rent, tolls, or rates payable to or authorised to be taken by the Undertakers under the Yar Bridge Act, 1858; and any money which shall be borrowed under the provisions of this Order, and shall be discharged otherwise than by means of the sinking fund in this Order mentioned, may be reborrowed if required for the purposes of this Order, and so from time to time.

Power to  
borrow.

16. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest; and throughout such incorporated provisions the expression "the special Act" shall mean this Order; and the amount to be yearly appropriated and set apart as a sinking fund to be applied in paying off the principal moneys borrowed may be any sum not less than one thirtieth part of the sum so borrowed.

Commissioners  
Clauses Act as  
to mortgages  
incorporated.

17. The mortgagees of the Undertakers may enforce payment of arrears of interest or of principal and interest due on their respective mortgages by the

Appointment  
of receiver.

- A.D. 1874. *Yarmouth, I.W.* appointment of a receiver at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorise a receiver is one thousand pounds in one or more mortgage bonds or debentures.
- Application of money borrowed. 18. Every part of the moneys borrowed under this Order shall be applied only for the purposes of this Order. 5
- Application of rates and income. 19. The rates received under this Order shall be applied for the purposes and in the Order following and not otherwise; (that is to say,) 10
1. In paying the expenses of and connected with the applying for, obtaining, and making of this Order :
  2. In paying the cost of the maintenance, repair, management, and regulation of the pier, jetty, and landing-place, and other works by this Order authorised :
  3. In paying year by year the interest of money borrowed under this Order, or otherwise becoming a charge on the rates received under this Order : 15
  4. In creating a sinking fund in manner and so far as the circumstances of the case will admit in the proportion directed by this Order :
  5. So much of the rates as may remain after answering the several purposes aforesaid shall be applied in the general improvement of the pier and works authorised by this Order. 20
- Pier to be deemed within the contiguous jurisdiction. 20. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon requiring the cognizance of any justices of the peace, be deemed and taken to be within the same jurisdiction as that part of the shore with which it shall immediately communicate.
- Parts of Harbours, &c., Act, 1847, excepted. Meters and weighers. 21. Sections 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order. 25
22. The Undertakers shall have the appointment of meters and weighers on or in connexion with the pier.
- Light to be exhibited. 23. The Undertakers shall, at the outer extremity of the pier and works authorised by this Order, exhibit from sunset to sunrise such light, if any, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. 30
- Power to make byelaws. 24. The Undertakers may make byelaws for the regulation and control of the fishermen and others, and goods and traffic, on the pier and works authorised by this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. 35
- Powers to cease in certain events. 25. In the following cases, (that is to say,) 40
1. If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced, or
  2. If such works after having been commenced should be virtually suspended for twelve consecutive calendar months,
- the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works 45

as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade. A.D. 1874.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate. Yarmouth,  
I.W.

26. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. Saving rights  
under Crown  
Lands Act,  
1866.

27. All the costs, charges, and expenses of and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

28. All expenses (including cost of works) and other moneys authorised to be paid by the Undertakers under this Order may be paid by them out of any moneys received by them under the Yar Bridge Act, 1858. Expenses may  
be paid out of  
moneys under  
Yar Bridge  
Act.

29. This Order may be cited as "The Yarmouth (Isle of Wight) Pier Order, 1874." Short title.

## 20 SCHEDULE to which the foregoing Order relates.

### I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

		£	s.	d.
	For every passenger or other person who shall land on the pier form, or embark from it, on board of any ship, vessel, packet,			
25	or passage boat, for each time any sum not exceeding -	0	0	3
	For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding -	0	0	2
30	For every bath or sedan chair taken on the pier, for each time any sum not exceeding -	0	0	6
	For every perambulator taken on the pier, for each time any sum not exceeding -	0	0	6
35	For every master of any vessel, boat, or wherry, using the said pier for the purpose of going or returning from his own vessel, boat, or wherry, an annual sum not exceeding -	20	0	0

### II.—RATES ON PASSENGERS' LUGGAGE.

		s.	d.
40	For every trunk, portmanteau, box, parcel, or other package, within the description of luggage, not exceeding 28 lbs.	-	0 2
	[229.]	I	3

A.D. 1874.

*Yarmouth,  
I.W.*

						s.	d.
Over 28 lbs. and not exceeding	84 lbs.	-	-	-	0	4	
„ 84 lbs.	„ 112 lbs.	-	-	-	0	5	
„ 112 lbs.	„ 140 lbs.	-	-	-	0	6	
„ 140 lbs.	„ 196 lbs.	-	-	-	0	7	5
„ 196 lbs.	„ 2 cwt.	-	-	-	0	8	
And for every cwt. beyond	-	-	-	-	0	4	
And for every 20 lbs. weight in addition	-	-	-	-	0	1	

## III.—RATES ON VESSELS ENTERING OR USING THE PIER.

For every vessel under the burden of 15 tons	-	-	-	0	4	10
For every vessel of the burden of 15 tons and under 50 tons	-	-	-	0	6	
For every vessel of the burden of 50 tons and under 100 tons	-	-	-	0	8	
For every vessel of the burden of 100 tons and under 150 tons	-	-	-	0	10	
For every vessel of the burden of 150 tons and upwards	-	-	-	1	0	
All lighters shall pay for each trip	-	-	-	0	2	15
All boats entirely open landing or taking on board goods, each	-	-	-	0	4	

## IV.—RATES ON GOODS SHIPPED OR UNSHIPED AT THE PIER.

Ale	-	-	-	-	per hogshead	0	6	
Ditto, bottled	-	-	-	-	per barrel bulk	0	3	
Bark	-	-	-	-	per ton	1	0	20
Beef or pork	-	-	-	-	per ton	1	4	
Beef or pork	-	-	-	-	per barrel	0	2	
Blubber	-	-	-	-	per tun of 252 gallons	1	0	
Bone dust	-	-	-	-	per ton	0	8	
Bones of cattle	-	-	-	-	per ton	0	6	25
Bottles	-	-	-	-	per gross	0	2	
Bricks	-	-	-	-	per 1,000	0	8	
Casks, empty, not being returned packages	-	-	-	-	per puncheon	0	3	
Other casks in proportion.								
Cattle—bulls	-	-	-	-	each	0	3	30
— cows and oxen	-	-	-	-	each	0	2	
— calves	-	-	-	-	each	0	0½	
— horses	-	-	-	-	each	0	2	
— pigs	-	-	-	-	each	0	0½	
— sheep	-	-	-	-	per score	0	6	35
— lambs	-	-	-	-	per score	0	3	
Chalk	-	-	-	-	per ton	0	8	
Chimney cans	-	-	-	-	per 100	1	4	
Clay, fire, manufactured	-	-	-	-	per ton	0	6	
Clay, common	-	-	-	-	per ton	0	2	40
Cloth, haberdashery, &c.	-	-	-	-	per barrel bulk	0	2	
Coaches—chaises and other four-wheeled carriages	-	-	-	-	each	0	8	
— gigs, carts, and other two-wheeled carriages	-	-	-	-	each	0	6	
Coals—Scotch, English, Smithy, and Culm	-	-	-	-	per ton	0	3	
Copper	-	-	-	-	per ton	1	4	45

[37 & 38 VICT.] *Pier and Harbour Orders Confirmation.*

71

A.D. 1874.

*Yarmouth,*  
*I.W.*

		s.	d.
	Corks - - - - - per barrel bulk	0	2
	Corn, viz., wheat and malt - - - per quarter	0	3
	— barley, beans, peas, tares, oats, rye, buckwheat, and Indian		
5	corn - - - - - per quarter	0	2
	Crystal - - - - - per barrel bulk	0	2
	Dissolved bones and other artificial manures - - - per ton	0	8
	Dogs, sporting only - - - - - each	0	2
	Drugs - - - - - per barrel bulk	0	3
10	Earthenware - - - - - per crate	0	8
	Eggs - - - - - per barrel bulk	0	2
	Fish, dried and salted - - - - - per ton	1	4
	Haddocks, cod, salmon, and all fresh fish not enumerated		
	per barrel bulk	0	2
15	Flax - - - - - per ton	1	4
	Flour - - - - - per sack	0	2
	Ditto - - - - - per barrel	0	1½
	Glass - - - - - per barrel bulk	0	3
	Groceries, viz., almonds, figs, cinnamon, currants, pepper, pimento,		
20	plums, prunes, raisins, and the like - - - per barrel bulk	0	3
	Guano - - - - - per ton	0	8
	Gunpowder - - - - - per barrel	0	3
	Hardware - - - - - per barrel bulk	0	3
	Hares and rabbits - - - - - per dozen	0	2
25	— any less quantity	0	1
	Hay - - - - - per ton	0	8
	Hemp - - - - - per ton	1	4
	Herrings, fresh - - - - - per cran	0	1
	Ditto, cured - - - - - per barrel	0	3
30	Hides—ox, cow, or horse, salted or dried - - - per ton	1	4
	— calf skins - - - - - per 120	0	10
	— sheep skins - - - - - per 120	0	10
	— lamb skins - - - - - per 120	0	5
	Hoops of wood - - - - - per 1,500	1	0
35	Household furniture, new - - - - - per barrel bulk	0	1
	Household furniture, belonging to parties changing their residence		
	only - - - - - per 10 barrels bulk	0	6
	Husbandry utensils - - - - - per ton	1	4
	Ditto - - - - - per barrel bulk	0	2
40	Iron—bar, bolt, and rod - - - - - per ton	1	4
	— pig or old - - - - - per ton	0	8
	Kelp - - - - - per ton	0	8
	Lead, all kinds - - - - - per ton	1	4
	Leather, tanned and dressed - - - - - per ton	1	4
45	Lime - - - - - per chaldron of 16 bolls	1	4
	Limestone - - - - - per ton	0	3
	Loam or moulding sand - - - - - per ton	0	3

[229.]

I 4



		s.	d.	A.D. 1874.
	Tobacco - - - - - per ton	2	6	<u>Yarmouth,</u> <u>I.W.</u>
	Treenails, under 2 feet in length - - - per 1000	0	6	
	— exceeding 2 feet in length - - - per 1000	1	0	
5	Turnips - - - - - per ton	0	6	
	Turpentine - - - - - per hogshead	0	8	
	Vegetables - - - - - per cartload	0	2	
	Vinegar - - - - - per hogshead	0	6	
	Vitriol - - - - - per carboy	0	2	
10	Whalebone - - - - - per ton	2	6	
	Wine - - - - - per hogshead	0	8	
	— bottled - - - - - per barrel bulk	0	4	
	Wood—fir, pine, and other descriptions not enumerated			
	per load of 50 feet	0	10	
15	— oak or wainscot - - - per load of 50 feet	1	0	
	— firewood - - - - - per fathom	0	6	
	— laths and lathwood - - - per fathom of 216 cubic feet	2	6	
	— handspokes - - - - - per 120	0	10	
	— Oars - - - - - per 120	2	6	
20	— Spars under 22 feet in length, above 2½ and under 4 inches diameter - - - per 120	2	6	
	— 2½ inches in diameter and under - - - per 120	1	4	
	— 22 feet in length and upwards, and not exceeding 4 inches in diameter - - - per 120	6	6	
25	— of all lengths above 4 and under 6 inches in diameter per 120	12	0	
	— Spokes of wheels not exceeding 2 feet in length - - - per 120	0	4	
	— exceeding 2 feet in length - - - per 120	0	6	
	— Wedges - - - - - per 1000	1	0	
30	— Pipe staves, and others in proportion - per standard hundred	1	0	
	— Lignum vitæ, fustic, logwood, mahogany, and rosewood per ton	1	4	
	Wool - - - - - per cwt.	0	2	
	Yarn - - - - - per ton	1	4	
35	Zinc - - - - - per ton	1	4	
	All other goods not particularly enumerated in the above table:—			
	Light goods - - - - - per barrel bulk	0	2	
	Heavy goods - - - - - per ton	1	4	
40	In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.			
	Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half cwt., then two and a half cwt. to be rated as a barrel bulk.			
45				



A.D. 1874. V.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

*Yarmouth,*  
*I.W.*

1. *Rates of Craneage.*

						s.	d.	
All goods or packages not exceeding 1 ton	-	-	-	-	-	0	3	
_____ exceeding 1 ton and not exceeding 2 tons	-	-	-	-	-	0	4	5
_____ „ 2 tons	„	3 tons	-	-	-	0	6	
_____ „ 3 tons	„	4 tons	-	-	-	0	8	
_____ „ 4 tons	„	5 tons	-	-	-	0	10	
_____ „ 5 tons	„	6 tons	-	-	-	1	0	
_____ „ 6 tons	„	7 tons	-	-	-	1	2	10
_____ „ 7 tons	„	8 tons	-	-	-	1	4	
_____ „ 8 tons	„	9 tons	-	-	-	1	8	
_____ „ 9 tons	„	10 tons	-	-	-	2	0	
_____ „ 10 tons	-	-	-	-	-	3	0	

2. *Weighing Machines.* 15

For goods weighed, one penny for each ton or part of a ton.

3. *Shed Dues.*

For each ton of goods of eight barrels bulk, or for each ton of goods of 20 cwt. which shall remain on the pier or works for a longer time than 48 hours, the sum of threepence, and the sum of one penny halfpenny per ton for 20 each day during which such goods shall remain after the first 48 hours.



# **Pier and Harbour Orders Confirmation. [H.L.]**

---

A

## **B I L L**

[AS AMENDED BY THE SELECT COMMITTEE]

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray, Buckie (Cluny), Carlingford Lough, Cattewater, Eyemouth, Great Yarmouth, Kinsale, Lybster, Sandown, Sidmouth, Tees, and Yarmouth (Isle of Wight).

*(Brought from the Lords 25 June 1874.)*

---

*Ordered, by The House of Commons, to be Printed,  
24 July 1874.*

---

[Bill 229.]

*Under 10 oz.*

A  
B I L L

TO

Make further provision respecting the contribution out of A.D. 1874.  
moneys provided by Parliament towards the expenses of  
the Police Force in the Metropolitan Police District, and  
elsewhere in Great Britain.

**W**HEREAS in pursuance of certain Acts annual sums, not 19 & 20 Vict.  
c. 69.  
exceeding the amount mentioned in those Acts, are con- 20 & 21 Vict.  
c. 72.  
tributed by the Commissioners of Her Majesty's Treasury out of 31 & 32 Vict.  
c. 67.  
moneys provided by Parliament towards the expenses of the police  
5 force in the metropolitan police district, and elsewhere in Great  
Britain, and it is expedient to make further provision respecting  
such contributions :

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
10 Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited as the Police (Expenses) Act, 1874. Short title.

2. So much of any Act as limits the amount authorised to be Repeal of  
limit on  
amount of  
contribution  
by Treasury  
to police  
force.  
contributed by the Commissioners of Her Majesty's Treasury out  
15 of moneys provided by Parliament towards the expenses of any  
police force in Great Britain to a particular amount, or a particular  
proportion of any annual sum or charge specified in such Act, shall,  
during the continuance of this Act, be repealed.

3. This Act shall continue in force until the first day of September Duration of  
Act.  
20 one thousand eight hundred and seventy-five.

[Bill 211.]





# **Police Force Expenses.**

---

A

## **B I L L**

To make further provision respecting the contribution out of moneys provided by Parliament towards the expenses of the Police Force in the Metropolitan Police District, and elsewhere in Great Britain.

*(Prepared and brought in by  
Mr. Raikes, Mr. Secretary Cross, and  
Mr. William Henry Smith.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
16 July 1874.*

---

---

[Bill 211.]

*Under 1<sup>st</sup> 02.*

A  
B I L L

TO

Provide that in cases of a Poll at an Election for Poor Law Guardians in Ireland the Votes shall be taken by Ballot. A.D. 1874.  
—

**W**HEREAS it is expedient to provide that in all contested elections for poor law guardians in Ireland the poll shall be taken by ballot :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the *first day of March one thousand eight hundred and seventy-five* in all contested elections for poor law guardians in Ireland the poll shall be taken by ballot.

2. Before the *first day of January one thousand eight hundred and seventy-five* the Local Government Board of Ireland shall frame and issue a sealed order regulating the mode in which elections of poor law guardians in Ireland by ballot shall be carried out, and such sealed order may be varied or amended from time to time by the Local Government Board of Ireland by sealed order : Provided always, that every sealed order shall provide that the poll at an election for a poor law guardian in Ireland shall be taken in the electoral division for which the guardian is proposed to be elected.

3. The returning officer at an election for a poor law guardian in Ireland may use, free of charge, for the purpose of taking a poll at such election, any room in any national school, constabulary barracks, or court or sessions house in Ireland which may be convenient for the purpose.

4. Every voter entitled to more than one vote may give such votes to one candidate, or may distribute such votes among the candidates as he may think fit.

5. This Act may be cited as "The Poor Law Guardians Election (Ireland) Act, 1874."

[Bill 95.]

From 1st March 1875 votes at Poor Law contested elections shall be taken by ballot.

The Local Government Board of Ireland shall frame regulations for having votes at Poor Law contested elections taken by ballot.

School houses, constabulary barracks, &c. may be used for taking the poll at Poor Law elections.

Cumulative voting shall be allowed at contested Poor Law elections.  
Title of the Act.







# Poor Law Guardians (Ireland).

---

A

## B I L L

To provide that in cases of a Poll at an Election for Poor Law Guardians in Ireland the Votes shall be taken by Ballot.

(*Prepared and brought in by  
Sir Colman O'Loghlen, The O'Connor Don,  
and Mr. Callan.*)

---

*Ordered, by The House of Commons, to be Printed,  
7 May 1874.*

---

[Bill 95.]

*Under 1 oz.*

A  
B I L L

TO

Assimilate the Law for the Relief of the Poor in Ireland to that of England by substituting Union Rating for the present system of rating by electoral divisions. A.D. 1874.

**W**HEREAS it is expedient to amend the law of rating and chargeability in poor law unions in Ireland :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That from and after the *twenty-ninth day of September one thousand eight hundred and seventy-four*, so much of every Act contained in the schedule to this Act annexed as authorises the making of separate rates on the electoral divisions of poor law unions in Ireland, and so much thereof as provides for the charging of the expenses or sums of money incurred or expended in the relief of the poor, or in carrying into execution or for any other purposes in the said Acts mentioned and provided for, to one or more of the electoral divisions of any union, or on the rates of any one or more of such electoral divisions, shall be and the same is hereby repealed. Repeal of provisions requiring separate assessments on electoral divisions of poor law unions.

2. From and after the said date, every rate made by the guardians of the poor for the relief of the poor in Ireland, or for any of the other purposes in the said Acts provided for, shall be made upon all the hereditaments situate in the said union and rateable under the said Acts or any of them, and thenceforth all expense incurred by the guardians or their officers in the relief of the poor, or in carrying into effect any other of the said purposes, shall be charged to the whole union and on the rates made thereon, as herein-before provided. Substitution of union rating.

3. And whereas by an Act passed in the thirteenth year of Her Majesty, intituled "An Act to provide for the collection of rates [Bill 57.] Provision as to framing estimate

A.D. 1874. “ in the city of Dublin,” the board of guardians of such union or  
 of sums — part of a union situate within the district of the collector general  
 chargeable appointed under the provisions of that Act is required to estimate  
 on electoral and ascertain the amount of the sums of money chargeable on any  
 divisions electoral division situate or comprised within the district aforesaid : 5  
 of city of Dublin. Be it enacted, That in framing such estimate the guardians of each  
 such union shall estimate and ascertain the sums so chargeable  
 aforesaid, having regard likewise to the estimated expenditure of  
 the other parts of such union, and so as to enable the whole  
 estimated expenditure to be levied by an equal poundage rate on 10  
 the rateable tenements situate in the whole union.

Local Government Board to frame necessary orders. 4. The Local Government Board for Ireland are hereby autho-  
 rised and required to make and issue all such orders as may be  
 requisite to render the proceedings and accounts of the guardians  
 of unions conformable to the provisions of this Act. 15

Short title. 5. This Act may be cited as “ The Union Rating (Ireland) Act,  
 1874.”

SCHEDULE referred to in Clause 1.  

---

	The 1st and 2nd Vict. Cap. 56.
	6th and 7th Vict. Cap. 92.
	10th Vict. Cap. 31.
5	11th and 12th Vict. Cap. 25.
	12th and 13th Vict. Cap. 104.
	14th and 15th Vict. Cap. 35.
	14th and 15th Vict. Cap. 68.
10	17th and 18th Vict. Cap. 104.
	19th and 20th Vict. Cap. 98.
	21st and 22d Vict. Cap. 64.
	23d Vict. Cap. 26.
	25th and 26th Vict. Cap. 83.
	28th and 29th Vict. Cap. 75.
15	29th Vict. Cap. 38.
	29th and 30th Vict. Cap. 90.

# Poor Relief (Ireland).

A

## B I L L

To assimilate the Law for the Relief of the Poor in Ireland to that of England by substituting Union Rating for the present system of rating by electoral divisions.

(Prepared and brought in by  
*Mr. O'Shaughnessy, Mr. Butt, Mr. Downing,  
Mr. Redmond, and Mr. Browne.*)

---

*Ordered, by The House of Commons, to be Printed,  
30 March 1874.*

---

[Bill 57.]

*Under 1 oz.*

A

## B I L L

TO

Amend the Law relating to the Payment to and Repayment A.D. 1874.  
by the Commissioners for the Reduction of the National  
Debt of Moneys received in and to the accounts relating to  
the Post Office Savings Bank.

**W**HEREAS by the Post Office Savings Banks Act, 1861, it is 24 & 25 Vict.  
c. 14. s. 5.  
enacted that all moneys deposited with the Postmaster  
General in pursuance of that Act "shall forthwith be paid over to  
" the Commissioners for the Reduction of the National Debt, and  
5 " all sums withdrawn by depositors, or by parties legally authorised  
" to claim on account of depositors, shall be repaid to them out of  
" the said moneys, through the office of Her Majesty's Postmaster  
" General," and by the said Act the moneys remitted to the said  
commissioners are required to be invested in manner in the said  
10 Act mentioned :

And whereas the practice has been to pay out of the moneys  
deposited with the Postmaster General the sums withdrawn by  
depositors, and to pay over the balance to the Commissioners for the  
Reduction of the National Debt for investment by them :

15 And whereas doubts have arisen whether the said practice is  
authorised by the said Act, and it is expedient to remove such  
doubts :

And whereas it is expedient to extend the time for laying before  
Parliament the accounts under the said Act :

20 Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the authority of the same, as follows :

1. This Act shall be construed as one with the Act of the session Construction  
of Act.  
25 of the twenty-fourth and twenty-fifth years of the reign of Her  
present Majesty, chapter fourteen, intituled "An Act to grant  
" additional facilities for depositing small savings at interest, with  
" the security of the Government for due repayment thereof " (in  
[Bill 227.]



A.D. 1874. — this Act referred to as the principal Act), and, together with that Act, may be cited as the Post Office Savings Banks Acts, 1861 and 1874, and each Act may be cited as the Post Office Savings Banks Act of the year in which it was passed.

Explanation  
of s. 5. of  
24 & 25 Vict.  
c. 14. as to  
payment  
of money to  
the Commis-  
sioners for  
the Reduc-  
tion of the  
National  
Debt.

2. Section five of the principal Act shall be deemed to authorise 5  
and always to have authorised the payment out of moneys deposited  
with the Postmaster General in pursuance of the principal Act, of  
the sums withdrawn by depositors under that Act, and the payment  
over of the balance only to the Commissioners for the reduction of  
the National Debt. 10

The regulations made in pursuance of the principal Act by the  
Postmaster General with the consent of the Commissioners of Her  
Majesty's Treasury, may provide for the time and mode in which  
such balance is to be ascertained.

Accounts to  
be laid before  
Parliament.

3. An annual account of all deposits received and paid under the 15  
authority of this Act, and of the expenses incurred during each year  
ended the thirty-first of December, together with a statement of the  
total amount due at the close of the year to all depositors, shall be  
laid by the Postmaster General before both Houses of Parliament  
not later than the last day of April in every year. Section twelve 20  
of the principal Act is hereby repealed.

S. 12. of  
24 & 25 Vict.  
c. 14. re-  
pealed.



# Post Office Savings Bank.

---

A

## B I L L

To amend the Law relating to the  
Payment to and Repayment by the  
Commissioners for the Reduction of  
the National Debt of Moneys re-  
ceived in and to the accounts relating  
to the Post Office Savings Bank.

*(Prepared and brought in by  
Mr. William Henry Smith and Lord John  
Manners.)*

---

*Ordered, by The House of Commons, to be Printed,  
23 July 1874.*

---

[Bill 227.]

*Under 1 oz.*

A

# B I L L

INTITULED

An Act to alter and amend the Law as to Appointments A.D. 1874.  
under powers not exclusive.

**W**HEREAS by deeds, wills, and other instruments, powers are frequently given to appoint real and personal property amongst several objects in such manner that no one of the objects of the power can be excluded, or some one or more of the objects of the power cannot be excluded by the donee of the power from a share of such property, but without requiring a substantial share of such property to be given to each object of the power, or to each object of the power who cannot be excluded :

And whereas instruments intended to operate as executions of such powers are frequently invalid in consequence of the donee of the power appointing in favor of some one or more of the objects of the power to the exclusion of the other or others, or some other or others of such objects, and it is expedient to amend the law so as to prevent such intended appointments failing :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That no appointment, which from and after the passing of this Act shall be made in exercise of any power to appoint any property real or personal amongst several objects, shall be invalid at law or in equity on the ground that any object of such power has been altogether excluded, but every such appointment shall be valid and effectual notwithstanding that any one or more of the objects shall not thereby or in default of appointment take a share or shares of the property subject to such power.

Appoint-  
ments to be  
valid not-  
withstanding  
one or more  
objects  
excluded.

2. Provided always, and be it enacted, that nothing in this Act contained shall prejudice or affect any provision in any deed, will, or other instrument creating any power, which shall

[Bill 177.]

A.D. 1874. — declare the amount or the share or shares from which no object of the power shall be excluded, or some one or more object or objects of the power shall not be excluded.



# **Powers Law Amend- ment. [H.L.]**

---

A

## **B I L L**

INTITLED

An Act to alter and amend the Law as  
to Appointments under powers not  
exclusive.

*(Brought from the Lords 26 June 1874.)*

---

*Ordered, by The House of Commons, to be Printed,  
26 June 1874.*

---

[Bill 177.]

*Under 1 oz.*

A  
**B I L L**

TO

Enable Her Majesty to provide for the Support and Maintenance of His Royal Highness Prince Leopold George Duncan Albert on his coming of age. A.D. 1874.

Most Gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having taken into consideration Your Majesty's most gracious message, that Your Majesty is desirous of making competent provision for the honourable support and maintenance of Your Majesty's fourth son, His Royal Highness Prince Leopold George Duncan Albert, on his coming of age, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall be lawful for Her Majesty, by letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to grant unto His said Royal Highness, or to such persons as Her Majesty may think fit to name in the said letters patent, on trust for His said Royal Highness, and subject to such conditions as Her Majesty may direct, an annuity of fifteen thousand pounds for his life, such annuity to commence from the seventh day of April one thousand eight hundred and seventy-four, the day on which His said Royal Highness came of age, to be free from all taxes, assessments, and charges, and to be paid quarterly on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October.

Power to Her Majesty to grant an annuity of 15,000*l.* to Prince Leopold George Duncan Albert for life.

2. The first payment of the said annuity shall include such portion thereof as may have accrued between the said date of His said Royal Highness coming of age and the first of the said quarterly

Payment of proportionate part of annuity.

[Bill 232.]



A.D. 1874. — days which happens after the passing of this Act, and shall be made on such last-mentioned day, and a proportionate part shall be payable between the last quarterly day of payment and the day of the determination thereof: Provided that in the event of His said Royal Highness succeeding to any sovereignty or principality 5 abroad it shall be lawful for Her Majesty or her successors, with the consent of Parliament, to revoke or reduce the said annuity by warrant under the Sign Manual.

Annuity granted by this Act to be charged on the Consolidated Fund.

3. The annuity granted in pursuance of this Act shall, if Her Majesty think fit so to direct, be a personal and inalienable 10 provision, and the same shall be charged on and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof, after paying or reserving sufficient to pay such sums as may have been directed to be paid out of the said fund by former Acts of Parliament, but with 15 preference to all other payments which may hereafter be charged on the said fund.



# Prince Leopold's Annuity.

---

A

## B I L L

To enable Her Majesty to provide for  
the Support and Maintenance of His  
Royal Highness Prince Leopold  
George Duncan Albert on his coming  
of age.

(*Prepared and brought in by  
Mr. Raikes, Mr. Disraeli, Mr. Chancellor of  
the Exchequer, and Mr. Secretary Cross.*)

---

*Ordered, by The House of Commons, to be Printed,  
25 July 1874.*

---

[Bill 232.]

*Under 1 oz.*

A  
B I L L

TO

Amend the Prison Ministers Act, 1863.

A.D. 1874.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5   1. This Act may be cited for all purposes as "The Prison Short title.  
Ministers Act, 1874."

2. This Act shall be construed as one with the Prison Ministers Construction  
of Act with  
26 & 27 Vict.  
c. 79.  
Act, 1863, (in this Act referred to as the principal Act,) and that  
Act and this Act may be cited for all purposes as "The Prison  
10 Ministers Acts, 1863 and 1874."

3. Where it appears to one of Her Majesty's Principal Secretaries Order of  
Secretary of  
State for ap-  
pointment  
of ministers  
under  
26 & 27 Vict.  
c. 79.  
of State, on complaint made to him in writing with the signatures  
of two or more justices of the peace of the county in which  
such prison is situate, or upon other sufficient evidence, that the  
15 number of prisoners confined in any prison to which the principal  
Act applies and belonging to some church or religious persuasion  
differing, if in England from the Church of England, and if in  
Scotland from the Church of Scotland, is so great as to require  
the ministrations of a minister of their own church or persuasion,  
20 and that the prison authority has refused to appoint such a minister  
in pursuance of the powers given to them by the principal Act,  
the Secretary of State may, by order under his hand, require such  
prison authority to appoint such a minister within the time, not less  
than *three months*, specified in such notice. It shall also be lawful  
25 for the prison authority, with the consent of the Secretary of State,  
to revoke such appointment when the number of prisoners of that  
persuasion shall have for a space of *twelve months* fallen short of  
the daily average of *ten* :

Provided that no order shall be made requiring the appointment  
30 of a minister of any church or religious persuasion to attend at any  
prison if the daily average number of prisoners belonging to that  
church or persuasion in such prison during the *three years* imme-  
diately preceding the date of such order has been less than *ten*.

[Bill 58.]

A.D. 1874.

Status of  
minister  
appointed  
under Act,  
and provi-  
sion for  
salary and  
for ministra-  
tions.

4. A minister appointed under the Prison Ministers Acts, 1863 and 1874, to attend at any prison, whether appointed before or after the passing of this Act, shall be an officer of such prison, and receive such salary as may be awarded by the prison authority of such prison, not being less than the salary prescribed in the schedule to this Act, and shall stand in the same position, as nearly as circumstances admit, in relation to the prisoners registered as belonging to his church or religious persuasion, as that in which the chaplain of such prison stands in relation to prisoners registered as belonging to the Church of England or Scotland, as the case may be. The said Secretary of State may, by order under his hand, from time to time make, and when made revoke, vary, or add to, such regulations as will provide for the attendance and reverent behaviour at religious worship of prisoners belonging to the same church or religious persuasion as any such ministers, and afford any such minister proper means and facilities for the performance of his duties and the religious instruction of such prisoners, and the due celebration of the ceremonies of his religion: Provided that it shall not be competent for the Secretary of State to require the erection of any new building for the purposes of this Act.

All regulations made under this section shall be laid before both Houses of Parliament within *one month* after they are made, if Parliament be then sitting, and if Parliament be not then sitting within one month after the then next session of Parliament, and shall not come into operation until the expiration of *forty days* after they have been so laid before Parliament, but after the expiration of the said forty days shall be deemed to have been duly made and to be within the powers of this Act, and shall, as regards any prison in England, have effect as if they were regulations contained in the first schedule to the Prison Act, 1865.

Penalty for  
non-com-  
pliance with  
order of  
Secretary of  
State and  
requisitions  
of Act  
28 & 29 Vict.  
c. 126.

5. Where it appears to one of Her Majesty's Principal Secretaries of State that in any prison a default has been made in complying with the requisitions of this Act, or any order made thereunder, the provisions of sections thirty-five and thirty-six of the Prison Act, 1865, shall apply in the same manner as if a default had been made in complying with the requisitions of the said Act in those sections mentioned.

Gaoler to  
prepare  
abstract of  
register of  
religious per-  
suasions.

6. The keeper or other person performing the duties of keeper of a prison shall in every year before *the end of April* prepare an abstract of the register of the church or religious persuasion of prisoners kept in pursuance of the principal Act, showing the daily average number of prisoners belonging to each different church or

religious persuasion confined within the prison during the year ending the thirty-first day of December immediately preceding, and deliver a copy of such abstract to the prison authority, and send another copy to a Secretary of State. A.D. 1874.

- 5 7. The term "prison authority" in this Act means in relation to any prison in England the justices in sessions assembled, as defined by the Prison Act, 1865, or other persons having the appointment of chaplain, and in Scotland the county board or other persons having the appointment of chaplain. Definition of prison authority. 28 & 29 Vict. c. 126.

10 SCHEDULE.

SCALE OF SALARY.

If the average number of prisoners confined at the same time in the prison and belonging to the same church or religious persuasion as the minister was during the previous three years

15					The Minimum Salary shall be
					£
20	More than 10 and less than 20	-	-	-	20
	„ 20 „ 100	-	-	-	40
	„ 100 „ 200	-	-	-	60
	„ 200 „ 300	-	-	-	100
	„ 300 -	-	-	-	150

**Prison Ministers Act  
(1863) Amendment.**

---

**A**

**B I L L**

To amend the Prison Ministers Act,  
1863.

*(Prepared and brought in by  
Mr. Meldon, Lord Francis Conyngham, Mr. Brady,  
Mr. Digby, Mr. Martin, and Mr. Owen Lewis.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
130 March 1874.*

---

---

Bill 58.1

*Under 1 oz.*

A

# B I L L

TO

Amend the Law respecting certain Receipts and Expenses A.D. 1874.  
connected with Private Lunatic Asylums in Ireland.

**W**HEREAS under the Private Lunatic Asylums (Ireland) Act, 5 & 6 Vict.  
1842, and the Act amending the same, the moneys received c. 123.  
for licenses to keep a private lunatic asylum in Ireland are required 8 & 9 Vict.  
to be paid by the clerks of the peace to the inspectors of lunatics, c. 107. s. 23.  
and to be accounted for by such inspectors, and certain expenses  
are directed to be paid out of such moneys, and in case of a defi-  
ciency out of the Consolidated Fund, and it is expedient to make  
other provision with respect to the said moneys and expenses :

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows :

**1.** This Act shall be construed as one with the Act of the session  
of the fifth and sixth years of the reign of Her present Majesty,  
chapter one hundred and twenty-three, (which Act may be cited as  
the Private Lunatic Asylums (Ireland) Act, 1842,) and this Act  
together with that Act may be cited as "The Private Lunatic  
Asylums (Ireland) Acts, 1842 and 1874;" and this Act may be  
cited separately as the Private Lunatic Asylums (Ireland) Act,  
1874.

**2.** All moneys paid for a license to keep a house for the reception  
of lunatics granted in pursuance of the Private Lunatic Asylums  
(Ireland) Act, 1842, shall be accounted for and paid into the  
receipt of the Exchequer, and carried to the Consolidated Fund by  
such persons and in such manner as the Commissioners of Her  
Majesty's Treasury may from time to time direct.

All fees, travelling expenses, and allowances directed by the Private  
Lunatic Asylums (Ireland) Act, 1842, to be paid by the inspectors,

[Bill 215.]

Short title  
and construc-  
tion.

Accounting  
for money for  
licenses and  
payment of  
expenses  
charged  
thereon.  
5 & 6 Vict.  
c. 123.



A.D. 1874.

and all travelling and other expenses incurred by the inspectors in the execution of that Act, shall, where the amount or scale thereof has been sanctioned by the Commissioners of Her Majesty's Treasury, be paid out of moneys provided by Parliament.

Repeal.

3. The Act mentioned in the schedule to this Act is hereby repealed to the extent in the third column of that schedule mentioned: Provided that this repeal shall not affect anything done or suffered before the passing of this Act under the enactments hereby repealed; and that anything done before the passing of this Act with the sanction of the Commissioners of Her Majesty's Treasury, or of Her Majesty's Paymaster-General, which would have been lawful if this Act had then passed, shall be deemed to have been lawful and duly done.

SCHEDULE.

ACT REPEALED..			15
Session and Chapter.	Title.	Extent of Repeal.	
5 & 6 Vict. c. 123 -	An Act for amending until the first day of August one thousand eight hundred and forty-five, and until the end of the then next session of Parliament, the law relating to private lunatic asylums in Ireland.	Sections one, nine, ten, and forty-one.	20



# **Private Lunatic Asylums (Ireland).**

---

A

## **B I L L**

To amend the Law respecting certain  
Receipts and Expenses connected  
with Private Lunatic Asylums in  
Ireland.

*(Prepared and brought in by  
Mr. William Henry Smith and  
Sir Michael Hicks Beach.)*

---

*Ordered, by The House of Commons, to be Printed,  
17 July 1874.*

---

[Bill 215.]

*Under 1 oz.*

# Public Health (Ireland) Bill.

## ARRANGEMENT OF CLAUSES.

### *Preliminary.*

Clause.

1. Short title.

### *Sanitary Authorities.*

2. Urban and rural sanitary districts.
3. Description of urban sanitary districts and urban sanitary authorities.
4. Description of rural sanitary districts and rural sanitary authorities.
5. Power to alter sanitary districts.
6. First meeting of sanitary authority.
7. Powers and duties of sanitary authority.
8. Powers relating to the treatment of disease vested in the board of guardians of the union in which the sanitary authority is situate.
9. Transfer of property to sanitary authority, and effect of transfer of property and powers.
10. Sanitary officers and superintendent officers of health.
11. Powers of inspectors of Local Government Board.
12. Expenses of urban sanitary authority.
13. Expenses of rural sanitary authority.
14. Mode of raising contributions in rural sanitary district.
15. Compulsory power to purchase land for hospitals.
16. Incorporation of certain provisions of Lands Clauses Consolidation Act with Burial Grounds Act.
17. Repeal of 4th section of Sanitary Act, 1866.

### *Union of Districts.*

18. Formation of united district.
19. Mode of forming united district.
20. Governing body of united district.

[Bill 53.]

a

21. Regulation as to constitution of joint board.
22. Expenses incurred by joint board—how to be defrayed.
23. Payment of contributions to joint board.
24. Use of sewer of subjacent district for outfall of district above it.

*Repeal of Acts.*

25. Repeal of local Acts.

*Miscellaneous.*

26. As to consent of Local Government Board required in certain cases.
27. Transfer of powers and duties of Board of Trade under Alkali Act, 1863, to Local Government Board.
28. Settlement of differences arising out of transfer of powers or property to sanitary authority.
29. Power of raising money on credit of rates.
30. Power of raising money on credit of sewage land and plant.
31. Limit of rating under Local Acts not to apply to expenses for sanitary purposes.
32. Amendment of section 60 of 17 & 18 Vict. c. 103.
33. Public Works Loan Commissioners may lend to sanitary authority on security of rates.
34. Confirmation of provisional orders by Parliament.
35. Costs of provisional orders.
36. Orders of the Local Government Board—how to be published.
37. Audit of accounts.
38. Sanitary authority may order destruction of infectious bedding, &c., and give compensation for same.
39. Penalty on breach of rules made under sec. 52 of 29 & 30 Vict. c. 90.

*Legal Proceedings.*

40. Legal position of sanitary authority.
41. Powers given by this Act to be cumulative.
42. Appointments under 35 & 36 Vict. c. 69. exempt from stamp duty.

*Definitions.*

43. Definitions.
-

A

# B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Law relating to Public Health in Ireland.

A.D. 1874.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

## *Preliminary.*

1. This Act may be cited for all purposes as the Public Health Short title.  
(Ireland) Act, 1874.

## *Sanitary Authorities.*

2. From and after the passing of this Act Ireland shall be divided into sanitary districts to be called respectively—  
10      (1.) Urban sanitary districts; and      Urban and rural sanitary districts.  
          (2.) Rural sanitary districts;

and such urban and rural sanitary districts shall respectively be subject to the jurisdiction of local authorities, in this Act called  
15 urban sanitary authorities and rural sanitary authorities, invested with the powers in this Act mentioned.

3. Urban sanitary districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities shall be the several bodies  
20 of persons specified in the second column of the said table in relation to the said places respectively.

Description of urban sanitary districts and urban sanitary authorities.

[Bill 210.]

A

A.D. 1874.

TABLE above referred to.

Urban Sanitary District.	Urban Sanitary Authority.
The City of Dublin - - - - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by the Town Council. 5
Towns corporate, with exception of Dublin - -	The Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns, the population of which according to the last Parliamentary Census exceeds six thousand, having Commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	The Commissioners. 10
Towns, the population of which according to the last Parliamentary Census exceeds six thousand, having Municipal Commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners. 15
Towns, the population of which according to the last Parliamentary Census exceeds six thousand, having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103).	The Town Commissioners. 20
Towns or townships having Commissioners under Local Acts.	The Town or Township Commissioners. 25

Description of rural sanitary districts and rural sanitary authorities.

4. The area of every poor law union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district, and the guardians of the union shall, as such, be the rural sanitary authority of such 30 district, subject to the following conditions; that is to say,
- (1.) No elective guardian of any electoral division belonging to such union and forming or being wholly included within an urban sanitary district shall act or vote in any case in which guardians of such union act or vote in their capacity 35 of members of the rural sanitary authority :
- (2.) Where part of an electoral division belonging to a union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such electoral division into separate wards and determine the number of 40 guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian or guardians of such electoral division may act and vote as 45

members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district: A.D. 1874.

- (3.) An ex-officio guardian resident in any electoral division, or part thereof, belonging to such union which forms or is situated in an urban sanitary district, shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

5. The Local Government Board shall have power, by provisional order, to separate from a rural sanitary district any town or district wholly situate therein, the population of which according to the then last Parliamentary Census exceeds six thousand, and to constitute it an urban sanitary district, or to include it in any adjoining urban sanitary district, subject as such to all the provisions of this Act affecting urban sanitary districts; and the said Board shall likewise have power, by provisional order, to add any town or township hereby constituted an urban sanitary authority to the rural sanitary district in which it is situate, to be subject thereafter to all provisions of this Act affecting rural sanitary districts. No such provisional order shall be made except upon petition from such town, township, or district, in accordance with the provisions of "The Local Government (Ireland) Act, 1871," as amended by "The Local Government Board (Ireland) Act, 1872," with respect to the incorporation with or separation from any town of any district: Provided always, that the said provisions shall for such purposes be read as if the expression "sanitary authority" were therein substituted for the expression "governing body;" nor shall any such provisional order take effect until confirmed by Parliament in manner prescribed by the said provisions.

Power to alter sanitary districts.

6. The first meeting of a sanitary authority under this Act shall be held within sixty days after the passing of this Act, on such day as may be directed by order of the Local Government Board in each case.

First meeting of sanitary authority.

7. Subject to the provisions of this Act, except as herein-after is excepted, and from and after the day appointed for the first meeting of a sanitary authority in pursuance of this Act, there shall be transferred and attach to such sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same, all powers, right, duties, capacities, liabilities,

Powers and duties of sanitary authority.



A.D. 1874. and obligations within such district exerciseable or attaching by and to the sewer authority under the Sewage Utilization Acts, and by and to the nuisance authority under the Nuisances Removal Acts, and by and to the local authority under the Common Lodging Houses Acts, the Artisans and Labourers Dwellings Act, and the Bakehouse Regulation Act, as the said Acts are respectively varied or amended by any Act or any local Act or any provisional order in force within such district, or by and to any of the said authorities under any of such Acts as aforesaid : Provided always, that in any urban sanitary district the urban sanitary authority shall, subject to the provisions of this Act, continue to act in execution of any Act or local Act or provisional order in force within such district immediately before the passing of this Act, and in the execution of which at such time the body by this Act constituted such urban authority was acting ; and provided further, that in any rural sanitary district there shall be transferred and attach to the rural sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same, all powers, rights, duties, capacities, liabilities, and obligations with respect to sanitary matters under any Act, local Act, or provisional order in force within such district, or any part of the same, immediately before the passing of this Act ; but, save as aforesaid, such Act, local Act, or provisional order shall continue in full force and effect, and shall be carried into execution by the same authority and in the same manner in every respect as if this Act had not been passed. If any question arises as to what are sanitary matters within the meaning of this section, or as to any matter or thing affected by this section, the determination of the Local Government Board on any such question shall be conclusive.

Where the Baths and Washhouses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any sanitary authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exerciseable by or attached to the council, town commissioners, or other commissioners or persons acting in the execution of the said Acts, or any of them.

Where the Baths and Washhouses Acts are not in force within the district of any sanitary authority, such sanitary authority may adopt such Acts, and where the Labouring Classes Lodging Houses Acts are not in force within the district of any sanitary authority, such sanitary authority may adopt such Acts.

Powers relating to the treatment of

8. Under the provisions of the Diseases Prevention Act the execution of all powers relating to the treatment of disease, and the

establishment and maintenance of hospitals, the conveyance of the sick, the disinfection of clothes or dwellings, and the interment of the dead, created by the said Act or any other Act, or arising out of any order of the Local Government Board, shall vest exclusively  
 5 in the board of guardians of the union in which the district of the sanitary authority is situate, and the expenses so incurred shall be charged on the poor rates as expenses arising under the Poor Law Acts or the Medical Charities Act, as the case may be.

A.D. 1874.

—  
 disease  
 vested in  
 board of  
 guardians of  
 the union in  
 which the  
 sanitary au-  
 thority is  
 situate.

9. From and after the day appointed for the first meeting of the  
 10 sanitary authority of a sanitary district, in pursuance of this Act, all such property, real and personal, including all interest, easements, and rights in, to, and out of property, real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in, any authority  
 15 whose powers, rights, duties, capacities, liabilities, and obligations are transferred to the sanitary authority shall, so far as such property is applicable to and for the purposes of any such powers, rights, duties, liabilities, capacities, or obligations, pass to and vest in the sanitary authority, subject to all debts, liabilities, and obligations  
 20 exclusively affecting the property so transferred; and where any debts, liabilities, or obligations affect such property together with other property, then subject only to such part of such debts, liabilities, and obligations as shall bear to the whole amount of such debts, liabilities, and obligations the proportion which the property  
 25 so transferred bears to the whole property affected by such debts, liabilities, and obligations.

Transfer of  
 property to  
 sanitary au-  
 thority, and  
 effect of  
 transfer of  
 property and  
 powers.

All debts, liabilities, and obligations subject to which any such property has been transferred, or which previously to such transfer were incurred by the authority whose powers, rights, duties, liabilities, capacities, and obligations are so transferred in the exercise of  
 30 such powers and rights, or in the discharge of such duties, or by reason of such liabilities and obligations, may be enforced against the sanitary authority to the same extent and in the same manner as they might have been enforced against the authority from which  
 35 such transfer has taken place; and such last-mentioned authority shall be deemed to be discharged from such debts, liabilities, and obligations.

All property by this section transferred to a sanitary authority shall be held by it upon trust for the district or several places  
 40 respectively within its jurisdiction to which such property belonged, or for the benefit of which such property was held previously to its transfer.

A.D. 1874.

Sanitary  
officers and  
superinten-  
dent officers  
of health.

10. Every medical officer of a dispensary district shall be a sanitary officer for such district, or for such part thereof as he shall personally be in charge of, with such additional salary as the sanitary authority thereof may determine, with the approval of the Local Government Board; and every sanitary authority, 5 whether urban or rural, shall appoint such other sanitary officers, including a medical superintendent officer of health when deemed necessary, as the Local Government Board shall in each case direct, with such salaries or additional salaries as the said sanitary authority shall determine, with the approval of the Local Government 10 Board; and the said Board shall assign to the dispensary medical officers, and to the other sanitary officers, if any, and to the medical superintendent officer of health, if such an officer be appointed for the sanitary district, their respective duties and functions in the discovery or inspection or removal of nuisances, in the supply of 15 pure water, in the making or repairing of sewers and drains, or in generally superintending the execution of the sanitary laws within the district.

Every such salary or additional salary so determined or approved shall be payable from such local fund as the Local Government 20 Board shall indicate as properly chargeable therewith, and such part thereof as Parliament shall from time to time determine shall be recouped to such local fund out of moneys to be voted by Parliament; and the Local Government Board shall have the same powers with regard to the qualification, appointment, duties, regu- 25 lation of salary, and tenure of office of every sanitary officer as they have in the case of the medical officer of a dispensary district: Provided, with regard to salaries or additional salaries, whereof any portion is to be recouped to any local fund from moneys voted by Parliament, the amount of any new salary, and the proportion 30 between any existing salary and the addition thereto, shall be regulated according to a scale to be approved by the Commissioners of Her Majesty's Treasury.

Powers of  
inspectors of  
Local Go-  
vernment  
Board.

11. Inspectors of the Local Government Board may attend any meetings of sanitary authorities, or of committees of sanitary autho- 35 rities, during the transaction of business arising under any of the provisions of the Sanitary Acts; and such inspectors shall, for the purposes of any inquiry directed by the said Local Government Board, in relation to witnesses and their examination, the pro- duction of papers and accounts, the inspection of places and matters 40 required to be inspected, have for the purposes of the Sanitary Acts or Burial Grounds Acts or any of the said Acts similar powers

to those which inspectors have under the Poor Law Acts and under <sup>A.D. 1874.</sup> the Medical Charities Act for the purposes of those Acts.

**12.** All expenses incurred or payable by an urban sanitary authority under the Sanitary Acts shall, notwithstanding anything <sup>Expenses of urban sanitary authority.</sup> in the said Acts or any of them to the contrary, be defrayed as follows; that is to say,

(1.) In the case of the council of a borough, out of the borough fund or borough rate:

(2.) In the case of an urban sanitary authority being commissioners under any of the Acts specified in the first column of the table contained in section three or of any Local Act, out of any rate leviable by them as such commissioners throughout the whole of their district:

Provided that where an urban sanitary authority had before the passing of this Act power to levy throughout the whole of its district a rate or rates for paving, sewerage, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under the Sanitary Acts shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable: Provided also, that if application be made to the Local Government Board whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the said expenses should be borne as last aforesaid, the said Board may, after inquiry, by a provisional order, alter the incidence of such charge in respect of the whole or some of the expenditure referred to, as to them shall appear to be fair and equitable.

**13.** The expenses incurred by a rural sanitary authority under the Sanitary Acts shall be divided into general expenses and special expenses. <sup>Expenses of rural sanitary authority.</sup>

General expenses, other than those chargeable upon owners and occupiers under the Sanitary Acts, shall be the expenses of the establishment and officers of the sanitary authority, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction, maintenance, and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, the providing, repairing, and cleansing public wells, the lighting where duly authorised, the charges or expenses arising out of or incidental to the possession of property transferred to the rural sanitary

[210.]

A 4

A.D. 1874. authority in trust for any district or contributory place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses. 5

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under the Sanitary Acts for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work and of maintaining the same, in such proportions as it thinks just, between such contributory places; and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place. 10

Ten or more ratepayers of any contributory place, if aggrieved by any such apportionment, may send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned. 15 20

General expenses shall be payable out of a common fund to be raised out of the poor rate of the electoral divisions or parts thereof in the district according to the rateable value of each electoral division or part thereof in manner herein-after mentioned.

Special expenses shall be a separate charge on some contributory place or places. 25

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act; that is to say,

- (1.) The dispensary district:
- (2.) The electoral division:
- (3.) The townland:

30

Provided that the Local Government Board shall have power to determine on what area of charge being a contributory place, or consisting of contributory places, any special expenses shall be chargeable, whether incurred after the passing of this Act or still due in respect of works executed before the passing of this Act. 35

Mode of  
raising con-  
tributions in  
rural sani-  
tary district.

14. For the purpose of obtaining payment for special expenses from the several contributory places within its district the board of guardians, being the rural sanitary authority, shall levy the same by a special poundage rate, to be added to the poor rate on such contributory places and to be collected therewith by the collectors of the poor rate and lodged to the credit of the guardians with the treasurer of the union; and the expenditure thereof shall be brought 40

to account in such form and manner as the Local Government Board shall from time to time by any general order direct; and if not otherwise directed by such general order, the sums levied by such special poundage and placed to the credit of the board of guardians shall be applied by them in discharge of the special expenses incurred as aforesaid on account of such contributory places respectively. A.D. 1874.

15. Every sanitary authority being a port nuisance authority under the provisions of an Act passed in the thirty-seventh year of Her Majesty, entitled "An Act to amend the Sanitary Act, 1866," so far as the same relates to the nuisance authorities of ports in "Ireland," shall, with the consent in writing of the Local Government Board, be empowered to purchase, hire, or erect any building either within or without the district of such sanitary authority for the purpose of an hospital for the reception and treatment of persons affected by dangerous contagious disease, or to purchase land either within or without such district for the purpose of erecting the same, and for these purposes the Lands Clauses Acts are incorporated herewith: Provided always, that for the purposes of such incorporation the terms "special Act" and "promoters of the undertaking" in the Lands Clauses Acts shall be construed to mean respectively the consent in writing of the Local Government Board, and any sanitary authority being such a port nuisance authority as aforesaid. Compulsory powers to purchase land for hospitals.

16. Whereas by the Burial Grounds (Ireland) Act, 1856, section eighteen, it is provided that the Lands Clauses Consolidation Act, 1845, excepting, among other provisions, the provisions of that Act "with respect to the purchase and taking of lands otherwise than by agreement," shall be incorporated with the said Act, and it is expedient that those provisions of the Lands Clauses Acts should be incorporated with the said Burial Grounds Act: Be it enacted, that from and after the passing of this Act the provisions of the Lands Clauses Acts "with respect to the purchase and taking of lands otherwise than by agreement" shall be incorporated with the said Acts, and they are hereby incorporated therewith. Incorporation of certain provisions of Lands Clauses Consolidation Act with Burial Grounds Act.

Provided always, that before putting in force any of the powers of the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement, any burial board shall do all acts, matters, and things, and proceed in manner prescribed by section four of the Local Government (Ireland) Act, 1871, in like manner in every respect as if such burial board were a governing body desiring to put the said provisions of the Lands Clauses Acts

[210.]

B

A.D. 1874. — in force; and for such purposes the said section four is incorporated herewith, and for the purposes of such incorporation the terms “governing body” and “chief secretary” in the said section shall be construed to mean respectively “burial board” and “Local Government Board.” 5

Justice not incapable to act in cases under Burial Ground Acts by being member of burial board or liable to rate.

17. No justice of the peace shall be deemed incapable of acting as such in cases under the Burial Grounds Acts, by reason of his being a member of any body thereby declared to be the burial board to execute the said Acts, or by reason of his being a contributor or liable to contribute to any rate or fund out of which it is by the said Acts provided that all charges and expenses incurred in the execution of the said Acts, and not recovered as thereby provided, shall be defrayed. 10

#### *Union of Districts.*

Formation of united district.

18. Where it appears to the Local Government Board, on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or any of them, or any parts thereof, or of any contributory places in any rural sanitary district or districts, to be formed into a united district for all or any of the purposes following; that is to say, 15

- (1.) The procuring a common supply of water; or
- (2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or 25
- (3.) For any other purposes of the Sanitary Acts or Burial Grounds Acts, or of any of the said Acts,

the said Local Government Board may, by provisional order, form such districts or contributory places into a united district.

Mode of forming united district.

19. The following enactments shall take effect in relation to making a provisional order forming a united district; that is to say, 30

- (1.) Notice of the provisional order shall be published in some newspaper circulating in the district to which it relates, and in such other manner as the Local Government Board may direct: 35
- (2.) All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act: 40
- (3.) The making of a provisional order shall be *prima facie* evidence that all the requirements of this Act in respect of

and in such other manner as the Local Government Board A.D. 1874.  
may direct :

(2.) All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act:

(3.) The making of a provisional order shall be *prima facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.

20. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may, by the provisional order forming the district, determine. Governing  
body of  
united dis-  
trict.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain.

No act or proceeding of a joint board shall be questioned on account of any vacancy or vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part.

Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without further proof, and until the contrary is proved every meeting of a joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

No member of a joint board by being party to or executing in his capacity of member any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and a joint board may apply any moneys from time to time coming into its hands for the purpose of paying any costs of legal proceedings or damages it may incur in the exercise of the powers granted to it: Provided that nothing in this section shall exempt any member of a joint board



A.D. 1874. — rised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present 5 and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the sanitary authorities 10 having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations which the joint board is authorised to exercise or perform or is made subject to; nevertheless the said joint board may delegate to the sanitary 15 authority of any component district the exercise of any of its powers for the performance of any of its duties, with the approval of the Local Government Board.

Expenses incurred by joint board, how to be defrayed.

**22.** Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be 20 defrayed out of a common fund to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being. 25

A joint board may borrow and take up at interest on the credit of such common fund any sums of money necessary for defraying any such expenses, subject to the regulations of the Local Government (Ireland) Act, 1871, with respect to borrowing under that Act, as the same are amended by this Act. 30

Payment of contributions to joint board.

**23.** For the purpose of obtaining payment from component districts of the sums to be contributed by them the joint board shall issue its precept to the sanitary authority of each component district stating the sum to be contributed by it and requiring such authority, within a time limited by the precept, to pay the sums therein men- 35 tioned to the joint board or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly; such contribution, in the case of a rural 40 sanitary authority, being deemed to be general expenses.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the

same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof. A.D. 1874.

24. A sanitary authority unto whose district the district of  
 5 another sanitary authority is subjacent may, by agreement with the last-mentioned authority and with the sanction of the Local Government Board given on the application of the first-named authority, after public inquiry, if the said Local Government Board think such inquiry necessary, cause the sewers of its district to com-  
 10 municate for the purpose of outfall with the sewers of the subjacent district, and for the purpose of reception, disinfection, distribution, and disposal of the sewage of such first-named authority by the authority of the subjacent district, or for all, any, or either of those purposes, upon such terms as to payment or otherwise, in such  
 15 manner as to making and maintaining the outfall, and with and subject to such conditions, precautions, and restrictions as shall be agreed upon between the sanitary authorities, or in case of dispute shall be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing  
 20 from the sewers of the higher into the sewers of the subjacent district, and that the sewage of other districts or places shall not be permitted by the sanitary authority of the higher district to pass into their sewers so as to be discharged through such outfall into the sewers of the subjacent district without the consent of such  
 25 last-mentioned district; and all expenses incurred in pursuance of this section by the said sanitary authorities, or either of them, shall be deemed to be expenses incurred by them respectively in performance of their duties under the Sanitary Acts, and be respectively payable accordingly out of the rates out of which such expenses are  
 30 by this Act made payable, or out of moneys duly borrowed on the credit of such rates.

Use of sewer  
of subjacent  
district for  
outfall of  
district  
above it.

#### *Repeal of Acts.*

25. The Local Government Board may, on the application of the sanitary authority of any district, by provisional order  
 35 wholly or partially repeal, alter, or amend any Local Acts, other than Acts for the conservancy of rivers, in force in such district, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals for their own pecuniary benefit, which relate to the same subject matters as the Sanitary Acts, and may in  
 40 like manner extend the provisions of any such Local Act beyond the boundaries of the district comprised therein, or diminish the area to which any such Local Act shall apply.

Repeal of  
Local Acts.

A.D. 1874.

*Provisions as to the Acquisition of Property, &c.*

Extension  
of Lands  
Clauses Acts  
to easements  
and rights.

**26.** The powers of the Lands Clauses Acts shall, where the same may be put in force with respect to the taking of land under the Sanitary Acts, extend to all easements and rights in, over, under, or upon land, whether situated within or without the district of the sanitary authority. 5

Power to  
purchase  
water mills,  
dams, and  
weirs.

**27.** Any sanitary authority may, subject to all rights, powers, and authorities in the Sanitary Acts saved and excepted, buy up any water mill, dam, or weir which interferes with the proper drainage of or the supply of water to its district; and for the purpose of buying up any of the properties aforesaid, the Lands Clauses Acts shall be incorporated with this section: Provided always, that before putting in force any of the powers of the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement for the purposes aforesaid, a sanitary authority shall do all acts, matters, and things, and proceed in manner prescribed by section four of the Local Government (Ireland) Act, 1871, in like manner in every respect as would be necessary in the case of a governing body desiring to put the said provisions of the Lands Clauses Acts in force; and for such purposes the said section four is incorporated herewith, and for the purposes of such incorporation the terms "governing body" and "chief secretary" in the said section shall be construed to mean respectively "sanitary authority" and "Local Government Board." 15 20 25

Notices to  
owners and  
occupiers  
may be  
given in  
other months  
than No-  
vember and  
December.

**28.** The notices which, by the fourth section of the Local Government (Ireland) Act, 1871, are required to be given in the months of November and December, may be given in any two successive months of the year, but no inquiry preliminary to the provisional order to which such notices refer shall be held until the expiration of one month from the end of the second of such two months. 30

Urban sani-  
itary autho-  
rity may let  
land or  
premises.

**29.** Any urban sanitary authority not heretofore empowered to do so may let temporarily, or for a term of years, or sell, with the consent of the Local Government Board, any land or premises which they may possess, as and when they can conveniently spare the same. 35

*Miscellaneous.*

Compensa-  
tion to  
officers in  
certain cases.

**30.** If any officer of any body by this Act constituted the sanitary authority of any district is, by or in pursuance of this Act or of any provisional order made under the authority of this Act, removed 40

from his office or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value, and with equal privileges, by such sanitary authority, the Local Government Board may by order award to such officer such compensation as the  
 5 said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of the rates applicable to sanitary purposes within that district.

A.D. 1874.  
—

**31.** Where in any Local Acts the consent, sanction, or confir-  
 10 mation of the Lord Lieutenant, the chief secretary of the Lord Lieutenant, or the Privy Council is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall, after  
 15 the passing of this Act, be required instead of that of the authorities above named.

As to con-  
sent of  
Local Go-  
vernment  
Board re-  
quired in  
certain cases.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Washhouses Acts.

20 The approval of the Local Government Board, and not that of the Lord Lieutenant, shall be required for the appointment and removal of analysts under the Act of the session of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter eighty-four, as amended by the Act of the session of the thirty-  
 25 fifth and thirty-sixth years of the reign of Her Majesty, chapter seventy-four.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

30 **32.** It shall be lawful for the Lord Lieutenant, by Order in Council, at any time before the first day of January one thousand eight hundred and seventy-five, to direct that the powers and duties of the Board of Trade under the "Alkali Act, 1863," and any Act amending the same, shall be transferred to the Local Government  
 35 Board; and from and after the date of such order, or if no such order shall be made then from and after the said first day of January one thousand eight hundred and seventy-five, the powers and duties of the Board of Trade under the said Acts shall be transferred to and be exerciseable and performed in Ireland by  
 40 the Local Government Board; and "the Local Government Board for Ireland" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

Transfer of  
powers and  
duties of  
Board of  
Trade under  
Alkali Act,  
1863, to  
Local Go-  
vernment  
Board.

A.D. 1874.

Settlement  
of differences  
arising out  
of transfer  
of powers or  
property to  
sanitary  
authority.

**33.** Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred or alleged or claimed to be transferred in pursuance of this Act, upon the passing of this Act, or at any time thereafter by the operation of this Act, or of any provisional order made under the authority of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made or other act or thing to be done which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

Expenses of  
police officer  
acting under  
29 & 30 Vict.  
c. 90. s. 16.  
provided for.

**34.** Where, under the directions of the Local Government Board, the chief officer of police in any place institutes proceedings under the sixteenth section of the Sanitary Act, 1866, he shall be entitled to recover from the sanitary authority in default all such expenses in and about such proceedings as he may incur, and as shall not be paid by the party proceeded against: Provided always, that in the construction of the said Act as amended hereby, the term chief officer of police shall mean in any place within the police district of Dublin Metropolis, either of the commissioners of police for the said district, and in any place elsewhere the sub-inspector of the Royal Irish Constabulary in whose district such place is situate.

Order  
against a  
defaulting  
sanitary  
authority  
may be en-  
forced by  
mandamus.

**35.** When the Local Government Board shall have at any time made any order under the forty-ninth section of the Sanitary Act, 1866, limiting the time for the performance by any sanitary authority of its duty, such order may be enforced by writ of mandamus, notwithstanding the provision in the said section contained for the performance of the duty in the event of the continued default of the sanitary authority.

Payments  
to members  
of sanitary  
authority  
as counsel  
illegal.

**36.** Any payment to any member of a sanitary authority or burial board for acting as counsel, solicitor, attorney, or agent for such authority or board shall be illegal; and if any member of any

such authority or board shall so act, or shall accept or hold any office or place of profit under such authority or board of which he is a member, or shall in any manner directly or indirectly be concerned in any bargain or contract entered into by or on behalf of  
 5 such authority or board, or participate in the profits thereof, then and in every such case such person shall cease to be a member of such authority or board, and his office as such shall thereupon become vacant. A.D. 1874.

37. Every urban sanitary authority shall, when the Local Govern-  
 10 ment Board by order so direct, make due provision for the proper cleansing of streets, the removal of house refuse from premises, and the cleansing of earth closets, privies, ashpits, and cesspools within its district. Duty of urban authority to cleanse streets, privies, and ashpits.

If any sanitary authority having made such provision fail, without  
 15 reasonable excuse, after notice in writing from the occupier of any house situated in such district requiring such authority to remove any house refuse, or to cleanse any earth closet, privy, cesspool, or ashpit belonging to such house, or used by the inmates or occupiers thereof, to cause the same to be removed or cleansed, as the case  
 20 may be, within seven days, the sanitary authority shall on summary conviction be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period of seven days. Penalty on neglect of sanitary authority to cleanse privies or ashpits.

38. Any sanitary authority may, for the purpose of defraying  
 25 any costs, charges, and expenses incurred or to be incurred by it in the performance of its duties under the Sanitary Acts, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses, subject to the regulations in the Sanitary Acts. Power of raising money on credit of rates.

30 An urban sanitary authority may borrow and take up at interest such money on the credit of all or any rates or rate out of which it is authorised by the Sanitary Acts to pay any expenses incurred by it for sanitary purposes, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for  
 35 securing the repayment to them of the sums borrowed, with interest thereon.

A rural sanitary authority may borrow and take up at interest such money, if intended to be applied to purposes constituting the general expenses of such authority, on the credit of the common  
 40 fund out of which such expenses are payable, and if intended to be applied to purposes constituting the special expenses of such authority, on the credit of any rate or rates out of which such expenses

**A.D. 1874.** are payable, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall, so far as the same are not inconsistent with the provisions of this Act, be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean any authority authorised to borrow by this Act; "the clerk of the commissioners" shall include any officer appointed for the purpose by any such authority.

The mortgagees or assignees of any mortgage made in pursuance of this Act may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

Power of raising money on credit of sewage land and plant.

**39.** Where any sanitary authority or joint board is possessed of any land, works, or other property in pursuance and for the purposes of the Sewage Utilization Act, 1867, such authority or joint board may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if such sanitary authority or joint board were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under the Sanitary Acts; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority or joint board by the Sanitary Acts. The sanitary authority or joint board may pay out of any rates leviable by it for sanitary purposes the interest on any moneys borrowed by such authority or joint board in pursuance of this section.

Limit of rating under Local Acts not to apply to expenses for sanitary purposes. Commissioners of Public Works in

**40.** Any limit imposed on or in respect of any rate by any Local Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes.

**41.** The Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the recommendation of the Local Government Board, make any

loan to any sanitary authority, for such objects as the Commissioners of Her Majesty's Treasury may deem to be sanitary improvements, in pursuance of any powers of borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed; such loan to be repaid within a period not exceeding thirty or fifty years as provided by those Acts, and to bear interest at the rate of three and a half per centum per annum or such other rates as may, in the judgment of the said Commissioners, be necessary in order to enable the loan to be made without loss to the Exchequer, on the security of any fund or rate applicable to sanitary purposes, and without requiring any further or other security.

A.D. 1874.  
Ireland  
may lend  
to sanitary  
authority on  
security of  
rates.

Provided as follows :

- (1.) That in determining the time when a loan under this section shall be repayable the Commissioners of Public Works in Ireland shall have regard to the probable duration and continuing utility of the works in respect of which the same is required :
- (2.) That in the case of any loan already made to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts the Commissioners of Public Works in Ireland may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum :
- (3.) That this section shall not extend to any loan under "The Sanitary Loans Act, 1869," required for the purpose of defraying the expenses incurred or to be incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of this Act.

42. Where in any town in which the Towns Improvement (Ireland) Act, 1854, is in force the provisions of that Act with respect to water have been adopted, the amount of any assessment under section sixty of the said Act may, notwithstanding the limitations in the said section contained, amount to but shall not exceed the rate of two shillings in the pound.

Amendment  
of s. 60 of  
17 & 18 Vict.  
c. 103.

43. The twenty-eighth section of the Local Government (Ireland) Act, 1871, shall extend to re-borrowing for the purpose of discharging previous loans, as well as to original loans, and be amended so that the following provision shall be substituted for that contained in the paragraph No. 3. ; namely,

Amendment  
of 34 & 35  
Vict. c. 109.  
regarding  
loans.

The money so borrowed shall not at any time exceed, with the balances of all the outstanding loans of the sanitary authority under the Sanitary Acts, in the whole, twice the net annual value of the premises assessable within the district in respect of which such money may be borrowed, and the time for which the money may

[210.]

C 2



A.D. 1874. — be borrowed shall not exceed sixty years, instead of thirty years as in the said section is declared :

Provided that where the proposed loan with such balances would exceed the net annual value of such premises the Local Government Board shall not give their sanction to the loan until a local inquiry 5 shall have been held by one of their inspectors, and his report of the result of such inquiry shall have been received by them :

Provided also, that where a loan is effected to pay off an existing loan, the time for repayment shall not extend beyond the un- 10 expired term of the period for which the original loan was contracted, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original borrowing.

The sixth section of the Local Government (Ireland) Act, 1871, and the eighth section of the Local Government Board (Ireland) 15 Act, 1872, are hereby repealed, except so far as the same may apply to any proceedings commenced, but not completed at the passing of this Act.

Confirmation  
of provi-  
sional orders  
by Parlia-  
ment.

44. The Local Government Board shall not make any pro-  
visional order under this Act unless public notice shall have been 20  
previously given by advertisement in two successive weeks in some  
newspaper published or circulating in the district to which such  
provisional order relates, and after hearing any objections which  
may be made thereto by any persons affected thereby, and in cases  
where the subject matter is one to which a local inquiry is appli- 25  
cable, until it has made, by one of its inspectors, a local inquiry of  
which public notice has been given and at which all persons  
interested have been permitted to attend and make objections.

The Local Government Board may submit to Parliament for  
confirmation any provisional order made by it in pursuance of 30  
this Act, but any such provisional order shall be of no force  
whatever unless and until it is confirmed by Parliament. If while  
the Bill confirming such order is pending in either House of Parlia-  
ment a petition is presented against any provisional order comprised  
therein, the Bill, so far as it relates to such order, may be referred 35  
to a select committee, and the petitioners shall be allowed to appear  
and oppose as in the case of a Bill for a special Act.

Any Act confirming any provisional order issued in pursuance of  
the Sanitary Acts, or any of them, may be repealed, altered, or  
amended by any provisional order made by the Local Government 40  
Board and duly confirmed by Parliament. The Local Government  
Board may revoke, either wholly or partially, any provisional order  
made by them before the same is confirmed by Parliament ; but

such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament. A.D. 1874.

**45.** The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of the Sanitary Acts, or any of such Acts, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for sanitary purposes by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board the sanitary authority may contract a loan for the purpose of defraying such costs. Costs of provisional orders.

**46.** Every order of the Local Government Board under the Sanitary Acts (unless otherwise prescribed by the said Acts) shall be published in such manner as that Board may direct; and every general order of the Local Government Board made in pursuance of the Poor Law Acts shall be published in the Dublin Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions. Orders of the Local Government Board, how to be published.

**47.** The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board in each case. The accounts of a sanitary authority shall be audited by the auditor of the accounts relating to the relief of the poor in the district. An auditor shall with respect to the accounts of sanitary authorities under this section have the like powers, and be subject to the like obligations in every respect, as in case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit. Audit of accounts.

Fourteen days notice of any audit under the said Acts or this Act shall be sufficient, anything in any Act to the contrary notwithstanding.

**48.** Every sanitary authority shall have power to direct the destruction of any bedding, clothing, or other articles which have Sanitary authority may order destruction of

infectious  
bedding, &c.,  
and give  
compensa-  
tion for  
same.

Regulations  
as to lodg-  
ings in  
every sani-  
tary district.

been exposed to infection from any dangerous infectious disorder, and to give compensation for the same.

49. The Local Government Board may, at its discretion, by notice to be published in the Dublin Gazette, declare the enactment contained in section thirty-five of the Sanitary Act, 1866, to be in force in the district of any sanitary authority, notwithstanding the restrictions in the said section contained; and from and after the publication of such notice the sanitary authority named therein shall be empowered to make regulations in respect of the matters in that section mentioned, but such regulations shall not be of any validity unless and until they are confirmed by the Local Government Board. 5 10

Regulations made under the said section may extend to ventilation of rooms, paving and drainage of premises, and to notices to be given and precautions to be taken in case of any infectious or contagious disease. 15

Notices of  
common  
lodging  
houses and  
slaughter  
house to be  
affixed on  
premises.

50. The keeper of every common lodging house which is registered under the Common Lodging Houses Acts, and the owner or occupier of every slaughter-house causing the same to be licensed or registered, as the case may be, under the Sanitary Acts, shall, when required to do so by the sanitary authority registering or licensing the same, cause a notice with the words "Registered Lodging House," or "Licensed or Registered Slaughter-house," as the case may be, to be affixed on some conspicuous place on the outside of the premises where the same can be seen by any inspector or officer of the sanitary authority. 20 25

Such notice shall be affixed within one month after the registration or license, as the case may be, and shall be continued undefaced and legible so long as the premises are used for the purpose. 30

Every person who shall make default in this respect, or shall neglect or refuse to affix or renew such notice after requisition in writing from the sanitary authority, shall be liable to a penalty not exceeding five pounds for every offence, and of ten shillings for every day that the neglect shall continue after conviction. 35

Provision  
for polluted  
water in  
wells and  
pumps.

51. If it shall be represented to any sanitary authority that within their district the water in any well, public or private, or supplied from any public pump, is so polluted as to be injurious to health, such authority may apply to any justices having jurisdiction within their district, in petty sessions assembled, for an order to remedy the same, and thereupon such justices shall summon the person occupying the premises to which the well belongs, if it be private, 40

and, as regards any public well or pump, such person (if any) as shall be alleged in the application to be interested in the same, and shall either dismiss the application or make such an order in the case, by directing the well or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or providing otherwise, as shall appear to them to be requisite to prevent injury to the health of persons drinking the water. A.D. 1874.

For the purposes of such inquiry, the said justices may cause the water to be analyzed at the cost of the sanitary authority applying.

10 And all the expenses incurred by such authority in and about the procuring of this order, and in carrying it into execution, shall be charged upon the funds applicable to their general expenditure, but, in the case of a rural sanitary authority, shall be deemed to be special expenses within the meaning of the Sanitary Acts.

15 Provided that where the order is made in respect of any private well, any person aggrieved thereby may appeal against the same in the manner provided by the ninety-third section of the Towns Improvement (Ireland) Act, 1854, and with the same incidents and consequences.

20 Where the justices dismiss the application, they may, if they think fit, award such costs to the person summoned as to them shall appear to be reasonable.

52. For the purposes of the twenty-sixth section of the Sanitary Act, 1866, every hospital or place for the reception of the sick which shall be declared by an order of the Local Government Board to be situated within a convenient distance of the district of any sanitary authority for the purposes of that section shall be deemed to be within the district of such sanitary authority. Hospital when to be deemed within district.

Where a justice shall make an order under that section for the removal of a sick person to a hospital or other place, he shall address it to such police or other officer as he shall consider expedient; and every person wilfully disobeying the order, or obstructing the execution of the same, shall be guilty of an offence punishable on summary conviction before two justices, and be liable to a penalty not exceeding ten pounds.

53. The right of complaint given by the thirteenth section of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter seventy-seven, shall extend to nuisances in any place, whether on private or public premises, and may be exercised by any inhabitant in such place, or any owner of premises situated therein, or any other person aggrieved or injuriously affected thereby. Extension of right of complaint under Nuisances Removal Acts (1873).

A.D. 1874.

The provisions of the Nuisances Removal Act for England (Amendment) Act, 1863, to extend to milk.

Warrant may be granted by a justice to search for unsound food.

Penalty on false representations with respect to infectious disease.

Penalty on breach of rules made under sect. 52 of 29 & 30 Vict. c. 90.

**54.** The second section of the Nuisances Removal Act for England (Amendment) Act, 1863, shall extend to milk in the same manner as if the word "milk" had been introduced after the word "flour" wherever the word "flour" occurs in the said section; and the justice who, under the said section, is empowered to convict the offender therein described may be other than the justice who may have ordered the article to be disposed of or destroyed.

**55.** On complaint made by a medical officer of health or by any inspector or other officer of a sanitary authority upon oath, any justice may grant a warrant to any such officer to enter any building or part of a building or other place in which the complainant has reasonable ground for believing that any animal, carcase, meat, poultry, game, fish, fruit, vegetables, corn, bread, flour, or milk, intended for sale for the food of man, which is so diseased, unsound, or unwholesome as to be unfit for the food of man, is kept or concealed, and to search for, seize, and carry away any such animal, carcase, meat, poultry, game, fish, fruit, vegetables, corn, bread, flour, or milk, in order to have the same dealt with in manner provided by law; and any person obstructing any such officer in performance of any duty under this section shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

**56.** If any owner or occupier or person employed to let for hire, or to show for the purposes of letting for hire, any house or part of a house, when questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being in such house, or having within three months previously been therein, any person suffering from an infectious, contagious, or epidemic disease, knowingly makes a false answer to such question, the person so answering falsely shall be guilty of an offence punishable on summary conviction, and, at the discretion of the justices having cognizance of the case, be liable to be imprisoned, with or without hard labour, for a period not exceeding one month, or to pay a penalty not exceeding twenty pounds.

**57.** Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any rule, order, or regulation made by the Local Government Board under section fifty-two of the Sanitary Act, 1866, shall be guilty of an offence punishable on summary conviction, and be liable to a penalty not exceeding fifty pounds.

40

*Legal Proceedings.*

A.D. 1874.

**58.** Subject to the provisions of this Act, every sanitary authority shall, as respects the service of notices in pursuance of the Sanitary Acts by or on behalf of or on such authority, and as respects all legal proceedings, matters, and things to be taken or done in pursuance of the Sanitary Acts by or on behalf of or to such authority, stand in the same position in all respects in which previously to the passing of this Act, any authority stood whose powers, rights, duties, capacities, liabilities, and obligations are transferred to such authority; and for the purposes of this section a joint board shall be deemed to be a sanitary authority.

Legal position of sanitary authority.

**59.** Every notice required to be given on behalf of a sanitary authority shall be deemed to be sufficient on their behalf, if it be written or printed, and purports to be signed by the clerk or acting clerk of such authority.

Notices how to be signed.

**60.** All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act, local Act, provisional order, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed.

Powers given by this Act to be cumulative.

**61.** Any penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin Metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district, and with respect to other parts of Ireland before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same; and all such penalties, when recovered by or on behalf or at the instance of any sanitary authority, or any officer of such authority, shall be paid to such sanitary authority, and by the same applied in aid of their expenses under the Sanitary Acts; and, save as aforesaid, all such penalties shall be applied in manner directed by "The Fines Act (Ireland), 1851," and any Act amending the same.

Recovery of penalties.

**62.** Whereas by an Act passed in the second year of Her Majesty, entitled "An Act for the more effectual relief of the destitute poor in Ireland," it was enacted that no instrument made in pursuance of that Act nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor or in the management or collection of the poor rate shall be charged or chargeable with any stamp duty whatever, and it is expedient to

Appointments under 35 &amp; 36 Vict. c. 69. exempt from stamp duty.

[210.]

D

A.D. 1874. instrument made in pursuance of the provisions of the said last-mentioned Act, and no appointment which has been or shall hereafter be made of any paid officer engaged in the administration of the provisions thereof, shall be charged or chargeable with any stamp duty whatever.

5

### *Definitions.*

Definitions.

**61.** In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them ; that is to say,

“Borough” means any place for the time being subject to the 10 Act of the session of the third and fourth years of the reign of King William the Fourth, chapter one hundred and eight, intituled “An Act for the regulation of municipal corporations in Ireland,” and any Act amending the same :

“Local Government Board” means the Local Government Board 15 for Ireland :

“Person” includes any body of persons, whether corporate or unincorporate :

“Labouring Classes Lodging Houses Acts” means 29 & 30 Vict. c. 44 (Labouring Classes Lodging Houses and Dwellings Act 20 (Ireland), 1866) ; 30 & 31 Vict. c. 28 (Labouring Classes Dwelling Houses Act, 1867) :

“Artisans and Labourers Dwellings Act” means 31 & 32 Vict. c. 130 (Artisans and Labourers Dwellings Act, 1868) :

“Bakehouse Regulation Act” means 26 & 27 Vict. c. 40 (Bake- 25 house Regulation Act, 1863) :

“Diseases Prevention Act” means 18 & 19 Vict. c. 116 (Diseases Prevention Act, 1855), as amended by 23 & 24 Vict. c. 77, (An Act to amend the Acts for the removal of nuisances and the prevention of diseases) : as the same are amended and 30 extended to Ireland by 29 & 30 Vict. c. 90.

“Baths and Washhouses Acts” means 9 & 10 Vict. c. 87 (An Act for promoting the voluntary establishment in boroughs and certain towns in Ireland of public baths and washhouses) :

“Burial Grounds Acts” means the Burial Grounds (Ireland) 35 Act, 1856, as the same is amended by the 23 & 24 Vict. c. 76 :

“Common Lodging Houses Acts” means 14 & 15 Vict. c. 28 (Common Lodging Houses Act, 1851) ; 16 & 17 Vict. c. 41 (Common Lodging Houses Act, 1853) as amended by 23 Vict. c. 26. : 40

“Sewage Utilization Acts” means 28 & 29 Vict. c. 75 (The Sewage Utilization Act, 1865) 29 & 30 Vict. c. 90 (The Sani-

"Sewage Utilization Acts" means 28 & 29 Vict. c. 75 (The A.D. 1874.  
Sewage Utilization Act, 1865); 29 & 30 Vict. c. 90 (The Sani-  
tary Act, 1866); 30 & 31 Vict. c. 113 (The Sewage Utilization  
Act, 1867); and 31 & 32 Vict. c. 115 (The Sanitary Act, 1868);  
5 and 32 & 33 Vict. c. 100 (The Sanitary Loans Act, 1869) as  
applied to Ireland by 34 & 35 Vict. c. 109. and 35 & 36 Vict.  
c. 69 :

10 "Nuisances Removal Acts" means 18 & 19 Vict. c. 121 (The  
Nuisances Removal Act for England, 1855); 23 & 24 Vict.  
c. 77 (An Act to amend the Acts for the removal of nuisances  
and the prevention of diseases); 26 & 27 Vict. c. 117 (The  
Nuisances Removal Act for England (Amendment) Act, 1863);  
29 & 30 Vict. c. 41 (The Nuisances Removal Act (No. 1),  
1866); 29 & 30 Vict. c. 90 (The Sanitary Act, 1866) as amended  
15 by 32 & 33 Vict. c. 108; and the Sanitary Act, 1868, as applied  
to Ireland by 34 & 35 Vict. c. 109, and 35 & 36 Vict. c. 69 :

"Sanitary Acts" means all the above-mentioned Acts and this  
Act, and includes any amendments of such Acts, and with  
respect to any urban sanitary district, includes any Act, local  
20 Act, or provisional order relating to the same subject matters as  
the above-mentioned Acts in force within such district :

"Sanitary purposes" means any objects or purposes of the Sani-  
tary Acts :

25 "Sanitary authority" means either "urban or rural sanitary  
authority :"

"Lands Clauses Acts" means and includes the Lands Clauses  
Consolidation Act, 1845, as the same is amended by the Lands  
Clauses Consolidation Acts Amendment Act, 1860, the Rail-  
ways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the  
30 Railways Act (Ireland), 1864, and the Railway Traverse Act :

"Poor Law Acts" means 1 & 2 Vict. c. 56, and the Acts  
amending the same :

"Medical Charities Acts" means 14 & 15 Vict. c. 68, and the  
Acts amending the same.



# Public Health (Ireland).

A

## B I L L

[AS AMENDED IN COMMITTEE AND  
ON RE-COMMITMENT]

To amend the Law relating to Public  
Health in Ireland.

*(Prepared and brought in by  
Sir Michael Hicks Beach and Mr. Attorney  
General for Ireland.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
16 July 1874.*

---

---

[Bill 210.]

*Under 4 oz.*

A

# B I L L

TO

Confirm a certain Provisional Order relating to Duntocher and  
Dalmuir made under the "Public Health (Scotland) Act,  
1867."

A.D. 1874.

WHEREAS by the "Public Health (Scotland) Act, 1867,"  
power is given to one of Her Majesty's Principal Secretaries  
of State to make Provisional Orders for empowering local authorities  
to put in force, with reference to the lands referred to in such Orders,  
5 the powers of "The Lands Clauses Consolidation (Scotland) Act,  
1845," and "The Lands Clauses Consolidation Acts Amendment Act,  
1860," with respect to the purchase or taking of lands otherwise  
than by agreement :

And whereas, in pursuance of the said "Public Health (Scotland)  
10 Act, 1867," the Provisional Order referred to in the schedule annexed  
to this Act has been made by Her Majesty's Principal Secretary of  
State for the Home Department :

And whereas it is expedient that the said Provisional Order should  
be confirmed and made absolute :

15 Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows :

1. The Provisional Order set forth in the schedule annexed to this  
20 Act is hereby confirmed, and the provisions thereof shall be of the  
like force and effect as if they had been expressly enacted by  
Parliament.

Provisional  
Order con-  
firmed.

2. This Act may be cited for all purposes as "The Public Health  
(Scotland) Supplemental Act, 1874."

Short title.

A.D. 1874.

SCHEDULE.*Provisional Order under the "Public Health (Scotland) Act, 1867."*

## PARISH OF WEST OR OLD KILPATRICK.

(Special Water Supply District of Duntocher and Dalmuir.)

"PUBLIC HEALTH (SCOTLAND) ACT, 1867."

5

(30 &amp; 31 Vict. c. 101.)

WHEREAS by the "Public Health (Scotland) Act, 1867," it is, inter alia, enacted, section eighty-nine, that, with respect to parishes (exclusive of any parts of such parishes as are situated within the district of any local authority other than the parochial boards of such parishes), "the local authority, if they 10  
 " think it expedient so to do, may acquire and provide or arrange for a supply  
 " of water for the domestic use of the inhabitants, and for that purpose may  
 " conduct water from any lake, river, or stream, may dig wells, make and  
 " maintain reservoirs, may purchase, take upon lease, hire, construct, lay down,  
 " and maintain such waterworks, pipes, and premises, and do and execute all 15  
 " such works, matters, and things as shall be necessary and proper for the  
 " aforesaid purpose, and may themselves furnish a supply of water, or contract  
 " or arrange with any other person to furnish the same; and for the purposes  
 " aforesaid the local authority shall be held to have all the powers and rights  
 " given to promoters of undertakings by the Lands Clauses Acts: Provided 20  
 " always, that they shall make reasonable compensation for the water so taken  
 " by them, and for the damage which may be done to any lands by reason of  
 " the exercise of the powers hereby conferred, in terms of the said Acts: "

And whereas it is further provided by the said Act, section ninety, that upon compliance with the provisions therein contained with respect to advertisements 25  
 and notices, the local authority may present to one of Her Majesty's Principal Secretaries of State a petition stating the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and praying 30  
 that the local authority may, with reference to such land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, and that upon the receipt of such petition, and proof of the proper advertisements having been published and notices served, the Secretary of State may direct an inquiry in the district in 35  
 which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; and, after the completion of such inquiry, the Secretary of State may by Provisional Order empower the local authority to put in force, with reference to the land referred to in such Order, the powers of

the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them : A.D. 1874.

And whereas the parochial board of the parish of West or Old Kilpatrick, in the county of Dumbarton, over which parish the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend, are the local authority in the said parish under the "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amendment Act, 1871 :"

And whereas a petition under the provisions of "The Public Health (Scotland) Act, 1867," has been presented to one of Her Majesty's Principal Secretaries of State by the said parochial board, as the local authority aforesaid, setting forth that part of the said parish of West or Old Kilpatrick has been formed into a special water supply district, in pursuance of the provisions of the first-recited Act, under the name of the Special Water Supply District of Duntocher and Dalmuir, and that the water supply to the said district is insufficient, and it would be of great advantage to the inhabitants of the said district if the petitioners were authorised to obtain a supply of water for the domestic use of the said inhabitants, and for trading and manufacturing and other purposes, under the provisions of the first-recited Act, and that the petitioners proposed to construct works for the purpose of affording such supply of water, and to purchase and take, under the powers and provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," which Acts are herein termed and referred to as "The Lands Clauses Acts," the lands and water required for the purposes of the said water supply and the said works, all which lands, water, and works are or will be situate in the said parish of West or Old Kilpatrick, and that the petitioners had published the advertisements and deposited the plans, sections, and book of reference, and served the notices required by the ninetieth section of the first-recited Act; and the said petition prayed that a Provisional Order might be made empowering the petitioners to put in force, with reference to the lands and water before mentioned, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof; and a plan describing the works to be constructed and the lands and water intended to be taken for the purposes thereof and of the said water supply, and a book of reference to such plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands and water, have been signed by me with reference to this Order, and will be deposited with the sheriff clerk of the county of Dumbarton at his office in Dumbarton :

Now, therefore, in pursuance of the powers vested in me by the "Public Health (Scotland) Act, 1867," I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand direct that from and after the passing of any Act of Parliament confirming the same,—

1. It shall be lawful for the parochial board of the parish of West or Old Kilpatrick, as the local authority in the said parish, to put in force,

A.D. 1874.

with reference to the lands and water described on the said plan and in the said book of reference, the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

2. The expression "the special Act" in the Lands Clauses Acts shall mean 5 and include this Order; and the expression "the promoters of the undertaking" in the Lands Clauses Acts shall with reference to this Order mean the parochial board of the parish of West or Old Kilpatrick, as the local authority in the said parish under the "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amend- 10 ment Act, 1871;" and the word "lands" in this Order shall have the meaning assigned to it in the Lands Clauses Acts, and shall include water and the right thereto.

Given under my hand and seal at Whitehall, this Sixteenth day of 15  
April One thousand eight hundred and seventy-four.

RICHD. ASSHETON CROSS. (L.S.)

## Public Health (Scotland) Supplemental.

### B I L L

To confirm a certain Provisional Order relating to Duntocher and Dalnair made under the "Public Health (Scotland) Act, 1867."

(Prepared and brought in by  
The Lord Advocate and  
Sir Henry Selwyn-Ibbetson.)

*Ordered, by The House of Commons, to be Printed,  
14 May 1874.*

[Bill 106.]

*Under 1 oz.*

A

## B I L L

TO

Assimilate the Law of Ireland with reference to Public Meetings to that of England. A.D. 1874.

**W**HEREAS it is expedient that the law of Ireland with reference to public meetings should be assimilated to that of England :

Be it enacted by the Queen's most Excellent Majesty, by and  
5 with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same :

1. That a certain Act of the Parliament of Ireland, passed in the  
thirty-third year of His late Majesty King George the Third, inti-  
10 tuled "An Act to prevent the election or appointment of unlawful  
assemblies," shall be and is hereby repealed.

Repeal of  
Act of the  
Parliament  
of Ireland,  
the 33 G. 3.  
c. 29.







# **Public Meetings (Ireland).**

---

A

## **B I L L**

To assimilate the Law of Ireland with  
reference to Public Meetings to that  
of England.

*(Prepared and brought in by  
Mr. P. J. Smyth, Mr. Romayne, and  
Mr. McCarthy Downing.)*

---

*Ordered, by The House of Commons, to be Printed,  
20 March 1874.*

---

[Bill 23.]

*Under 1 oz.*

A

B I L L

TO

Repeal an Act of the thirteenth year of Charles the Second, A.D. 1874.  
chapter five, intituled “An Act against Tumults and  
“ Disorders upon pretence of preparing or presenting  
“ Publick Petitions or other Addresses to His Majesty  
“ or the Parliament.”

**W**HEREAS it is expedient that the law of England with  
reference to public petitioning should be amended :

Be it enacted by the Queen’s most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. That a certain Act of Parliament passed in the thirteenth Repeal of  
Act 13 Car. 2.  
c. 5.  
year of King Charles the Second, intituled “An Act against  
“ tumults and disorders upon pretence of preparing or presenting  
10 “ publick petitions or other addresses to his Majesty or the Par-  
“ liament,” shall be and is hereby repealed.





**Publick Petitions (Pre-  
paration and Present-  
ment) Act (1661) Repeal.**

---

A

**B I L L**

To repeal an Act of the thirteenth year of Charles the Second, chapter five, intituled “An Act against Tumults “ and Disorders upon pretence of “ preparing or presenting Publick “ Petitions or other Addresses to His “ Majesty or the Parliament.”

*(Prepared and brought in by  
Sir George Bowyer and Mr. Serjeant Simon.)*

---

*Ordered, by The House of Commons, to be Printed,  
8 June 1874.*

---

[Bill 141.]

*Under 1 oz.*

A

## B I L L

. TO

Authorise an Advance out of the Consolidated Fund of the A.D. 1874.  
United Kingdom to the Public Works Loan Commis-  
sioners, for enabling them to make Loans to School Boards  
in pursuance of the Elementary Education Act, 1873.

**W**HEREAS by section ten of the Elementary Education Act, 36 & 37 Vict.  
1873, it is provided that where a school board have incurred c. 86. s. 10.  
or require to incur any expense in providing or enlarging a school  
house, or otherwise as therein mentioned, they may, with the con-  
5 sent of the Education Department, spread the payment over such  
number of years, not exceeding fifty, as may be sanctioned by the  
Education Department, and may for that purpose borrow money  
on the security of the school fund and local rate, and may charge  
that fund and the local rate with the payment of the principal and  
10 interest due in respect of the loan :

And it is by the same section further provided that the Public  
Works Loan Commissioners may, on the recommendation of the  
Education Department, lend any money required under the said  
section ten on the security of the school fund and local rate  
15 without requiring any further or other security, such loan to be  
repaid within such number of years, not exceeding fifty, as may be  
recommended by the Education Department, and to bear interest  
at the rate of three and a half per cent. per annum :

And whereas it is expedient to authorise such advances as herein-  
20 after mentioned for the purposes of such loans to school boards  
(in this Act referred to as school loans) :

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
25 by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited for all purposes as the "Public Works Short title.  
Loan (School Loans) Act, 1874."

[Bill 46.]

A.D. 1874.

Power  
to issue  
1,500,000*l.*  
out of the  
Consolidated  
Fund for  
school loans.

2. The Treasury may from time to time cause to be charged upon and issued out of the Consolidated Fund of the United Kingdom, or of the growing produce thereof, any sums of money not exceeding in the whole *one million five hundred thousand pounds* sterling for the purpose of school loans :

5

Provided that no sum shall be charged or issued in pursuance of this Act after the thirty-first day of March one thousand eight hundred and seventy-seven, notwithstanding anything in section three of the Act of the session of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to authorise further advances of money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor ; for the purposes of the Public Works (Manufacturing Districts) Acts, 1863, 1864 ; and to amend the Acts authorizing Advances for Public Works."

15

Moneys so  
issued to  
be applied  
exclusively  
to school  
loans.

3. All moneys issued out of the Consolidated Fund in pursuance of this Act shall be placed to the account at the Bank of England of the Commissioners for the Reduction of the National Debt, and shall be at the disposal of the Public Works Loan Commissioners, to be applied by them exclusively to the purposes of school loans ; and all enactments for the time being in force for the regulation of the Public Works Loan Commissioners, and the moneys at their disposal, and the accounts thereof, and their securities, and the proceedings thereon, shall, so far as such enactments are consistent with this Act, apply in the case of the moneys issued out of the Consolidated Fund in pursuance of this Act.

20

25

Power to  
raise money  
for issues  
or to replace  
issues out of  
the Consoli-  
dated Fund.

4. For the purpose of raising money to meet any sum to be issued out of the Consolidated Fund in pursuance of this Act, or to replace any sum which has been so issued, or any portion thereof, the Treasury may from time to time, as they think fit, raise any sum or sums, not exceeding in the whole *one million five hundred thousand pounds*, by the issue of Exchequer bonds or Exchequer bills, or by otherwise borrowing the same on the credit of the charge created by this Act on the Consolidated Fund, or by all of such means, and the sums so raised shall be placed to the credit of the account of Her Majesty's Exchequer, and form part of the Consolidated Fund : Provided that the amount raised in pursuance of this section in any one financial year shall not exceed the total amount of the sums issued out of the Consolidated Fund in pursuance of this Act during that year.

30

35

40

The principal moneys borrowed in pursuance of this section (otherwise than by the issue of Exchequer bonds), and all interest from time to time due thereon, or on Exchequer bonds issued under this section (not exceeding the rate of four per cent. per annum) shall be charged upon and be payable out of the Consolidated Fund of the United Kingdom or out of the growing produce thereof. A.D. 1874.

The principal moneys of any Exchequer bonds issued under this section shall be paid out of such moneys as may be provided by Parliament for that purpose.

5. The Commissioners for the Reduction of the National Debt may from time to time invest any moneys in their hands available for investment in Government securities in any of the securities created under the authority of this Act. Investment  
by National  
Debt Com-  
missioners  
securities  
under Act.

15 6. In this Act,—

The term the “Treasury” means the Commissioners of Her Majesty’s Treasury: Interpreta-  
tion.

The term “financial year” means the year ending the thirty-first day of March.



# Public Works Loan Commissioners (Loans to School Boards).

---

A

## B I L L

To authorise an Advance out of the Consolidated Fund of the United Kingdom to the Public Works Loan Commissioners, for enabling them to make Loans to School Boards in pursuance of the Elementary Education Act, 1873.

*(Prepared and brought in by  
Mr. Raikes, Viscount Sandon, and  
Mr. William Henry Smith.)*

---

*Ordered, by The House of Commons, to be Printed,  
25 March 1874.*

---

[Bill 46.]

*Under 1 oz.*

A  
B I L L

TO

Provide facilities for the performance of Public Worship according to the Rites and Ceremonies of the Church of England. A.D. 1874.

**W**HEREAS it is desirable in certain cases to provide facilities for the performance of public worship :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Upon the application or with the consent of the incumbent of a parish the bishop of the diocese in which such parish is situated may license a clergyman of the Church of England to officiate in any schoolroom or other suitable building or chapel (whether consecrated or unconsecrated) situated within such parish, and such license shall continue in force, unless otherwise directed by such bishop, notwithstanding the avoidance of the church of the parish. License granted with consent of incumbent.
  2. Upon the application in writing of twenty-five or more adult inhabitants of a parish setting forth the existing facilities for public worship in the said parish, and the additional facilities which they desire to have provided, the bishop of the diocese in which such parish is situated may license a clergyman to officiate in some specified schoolroom or other suitable building or chapel, whether consecrated or unconsecrated, situated within such parish. Bishop may grant a license on application of parishioners, subject to certain provisions.
- Provided always, that no license shall be granted to any clergyman to officiate without consent of the incumbent in any parish containing less than one thousand inhabitants, unless there be a hamlet or village therein containing at least twenty houses that are distant more than one mile from any parish church. Parish to contain more than 1,000 persons, unless hamlet therein more than one mile from a church.

Provided also, that before granting a license, unless the incumbent is consenting thereto, the bishop shall satisfy himself that the additional facilities for divine worship demanded by the

[Bill 27.]

Inquiry by bishop before granting a license.

A.D. 1874. — said parishioners are not already provided, or that the incumbent is not able and willing to provide them within a reasonable period of time, and that they are requisite and desirable.

Notice to incumbent.

Provided also, that whenever the incumbent has not previously expressed his consent to the issuing of a license, the bishop shall give thirty days notice in writing to such incumbent before such license is issued, in order that such incumbent may have an opportunity of making any observations or objections upon or to the issuing of such license, and shall cause copies of the said notice to be affixed to the doors of all places of public worship according to the rites of the Church of England in the parish during the said period of thirty days; and the said notice shall contain the name and present residence of the clergyman of the Church of England so proposed to be licensed.

Power to appoint commission of inquiry.

Provided also, that the bishop may at his own option, or shall, if requested in writing either by the incumbent or by any ten parishioners, appoint a commission of inquiry as herein-after provided.

Who are to be commissioners.

3. The commission of inquiry shall consist of five persons. One of the five commissioners shall be the archdeacon of an archdeaconry or the rural dean of a rural deanery of the diocese wherein the benefice of the aforesaid incumbent is situated, as the bishop may determine; two other commissioners shall be incumbents of the same diocese, one nominated by the aforesaid incumbent and one by the parishioners applying for the license; two other commissioners shall be laymen resident within the same diocese, being members of the Church of England, one nominated by the aforesaid incumbent and one by the aforesaid parishioners. Three of the commissioners shall be a quorum.

Proceedings of the commissioners.

4. The commissioners shall, after notice duly exhibited for two Sundays on the doors of all places of public worship according to the rites of the Church of England within the parish, hold a meeting at the time and place specified in such notice, and, after hearing any evidence that may be offered for or against the issuing of such license, and after due inquiry and consideration, report the opinion of the majority of the commissioners in writing to the bishop, who may thereupon, if the opinion is favourable, issue such license.

Status of ministers.

5. No clergyman officiating under this Act shall be liable to any ecclesiastical penalties for the performance of such offices and services as may be specified in any license granted to him under this Act.

6. For the purpose of this Act, the term "parish" shall include a parish, new parish, or ecclesiastical district, and the term "rural dean" shall mean a rural dean who holds a commission from the bishop to exercise the duties of a rural dean within certain defined limits.

A.D. 1874

Interpreta-  
tion clause.

7. This Act may be cited as the "Public Worship Facilities Act."

Short title

# Public Worship Facilities.

---

A

## BILL

To provide facilities for the performance of Public Worship according to the Rites and Ceremonies of the Church of England.

(*Prepared and brought in by  
Mr. Salt and Mr. Cavley.*)

---

*Ordered, by The House of Commons, to be Printed,  
20 March 1874.*

---

[Bill 27.]  
*Under 1 oz.*

# Public Worship Regulation Bill. [H.L.]

---

## ARRANGEMENT OF CLAUSES.

---

### Clauses.

1. Short title.
2. Commencement of Act.
3. Extent of Act.
4. Proceedings under this Act not to be deemed proceedings under 3 & 4 Vict. c. 86. s. 23.
5. Saving of jurisdiction.
6. Interpretation of terms.
7. Appointment, duties, and salary of judge.
8. Representation by archdeacon, rural dean, churchwarden, or parishioners.
9. Proceedings on representation.
10. Registrar of the diocese to perform duties under the Act.
11. No fresh evidence to be admitted on appeal.
12. Inhibition of incumbent.
13. Faculty not necessary in certain cases.
14. Service of notices.
15. Substitute for bishop in case of illness.
16. Application of Act to cathedral churches.
17. Limitation of proceedings against incumbent.
18. Rules for settling procedure and fees under this Act.
19. Chapels, &c. to which Act not to extend.

### SCHEDULES.

---



A

# B I L L

INTITULED

An Act for the better administration of the Laws respecting the regulation of Public Worship. A.D. 1874.

**W**HEREAS it is expedient that in certain cases further regulations should be made for the administration of the laws relating to the performance of divine service according to the use of the Church of England :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Public Worship Regulation Act, 1874." Short title.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-five, except where expressly herein-after provided. Commence-  
ment of Act.

3. This Act shall extend to that part of the United Kingdom called England, and to the Channel Islands and the Isle of Man. Extent of  
Act.

4. Proceedings taken under this Act shall not be deemed to be such proceedings as are mentioned in the Act of the third and fourth year of the reign of Her Majesty, chapter eighty-six, section twenty-three. Proceedings  
under this  
Act not to  
be deemed  
proceedings  
under 3 & 4  
Vict. c. 86.  
s. 23.

5. Nothing in this Act contained, save as herein expressly provided, shall be construed to affect or repeal any jurisdiction which may now be in force for the due administration of ecclesiastical law. Saving of  
jurisdiction.

6. In this Act the following terms shall, if not inconsistent with the context, be thus interpreted— Interpreta-  
tion of terms:

[Bill 176.] A 2



A.D. 1874.	
"Bishop."	The term "bishop" means the archbishop or bishop of the diocese in which the church or burial ground is situate to which a representation relates :
"Book of Common Prayer."	The term "Book of Common Prayer" means the book annexed to the Act of the fourteenth year of the reign of King Charles the 5 Second, chapter four, intituled "The Book of Common Prayer, " and Administration of the Sacraments, and other Rites and " Ceremonies of the Church, according to the use of the Church " of England ; together with the Psalter or Psalms of David, " pointed as they are to be sung or said in churches ; and the 10 " form or manner of making, ordaining, and consecrating of " Bishops, Priests, and Deacons ;" together with such alterations as have from time to time been or may hereafter be made in the said book by lawful authority :
"Burial ground."	The term "burial ground" means any churchyard, cemetery, or 15 burial ground, or the part of any cemetery or burial ground, in which, at the burial of any corpse therein, the order for the burial of the dead contained in the Book of Common Prayer is directed by law to be used :
"Church."	The term "church" means any church, chapel, or place of 20 public worship, other than a cathedral or collegiate church, in which the incumbent is by law or by the terms of license from the bishop required to conduct divine service according to the Book of Common Prayer :
"Diocese."	The term "diocese" means the diocese in which the church or 25 burial ground is situate to which a representation relates, and comprehends all places which are situate within the limits of such diocese :
"Incumbent."	The term "incumbent" means the person or persons in holy orders legally responsible for the due performance of divine 30 service in any church, or of the order for the burial of the dead in any burial ground :
"Parish."	The term "parish" means any parish, ecclesiastical district, chapelry, or place over which any incumbent has the exclusive 35 cure of souls :
"Parishioner."	The term "parishioner" means a male person of full age who before making any representation under this Act has transmitted to the bishop under his hand the declaration contained in Schedule (A.) to this Act, and who either has, and for one year next before taking any proceeding under this Act has had, his 40

usual place of abode in the parish within which the church is situate, or for the use of which the burial ground is legally provided, to which the representation relates, or, if not resident as aforesaid, is owner or tenant of lands or tenements in the said parish :

5

The term "rules and orders" means the rules and orders framed under the provisions of this Act; and the term "prescribed" means prescribed by such rules and orders.

"Rules and orders."  
"Pre-scribed."

7. The Archbishop of Canterbury and the Archbishop of York may, but subject to the approval of Her Majesty to be signified under Her Sign Manual, appoint from time to time a barrister-at-law who has been in actual practice for ten years, or a person who has been a judge of one of the Superior Courts of Law or Equity, or of Her Majesty's High Court of Justice, or Her Majesty's Imperial Court of Appeal, to be, during good behaviour, a judge of the Provincial Courts of Canterbury and York, herein-after called the judge.

If the said archbishops shall not, within six months after the passing of this Act, or within six months after the occurrence of any vacancy in the office, appoint the said judge, Her Majesty may by Letters Patent appoint some person, qualified as aforesaid, to be such judge.

Such judge shall be ex officio an Ecclesiastical Commissioner for England.

Whensoever a vacancy shall occur in the office of official principal of the Arches Court of Canterbury, the judge shall become ex officio such official principal, and all proceedings thereafter taken before the judge in relation to matters arising within the province of Canterbury shall be deemed to be taken in the Arches Court of Canterbury; and whensoever a vacancy shall occur in the office of official principal or auditor of the Chancery Court of York, the judge shall become ex officio such official principal or auditor, and all proceedings thereafter taken before the judge in relation to matters arising within the province of York shall be deemed to be taken in the Chancery Court of York; and whensoever a vacancy shall occur in the office of Master of the Faculties to the Archbishop of Canterbury, such judge shall become ex officio such Master of the Faculties.

Any salary or emoluments which such judge shall be entitled to receive from the said offices, other than the office of judge under this Act, shall be paid over by him to the Ecclesiastical Commissioners for England, and all fees payable in respect of pro-

[176.]

A 3

A.D. 1874. proceedings before the said judge under this Act shall also be paid over to the Ecclesiastical Commissioners. The Ecclesiastical Commissioners shall pay to the said judge by equal quarterly payments such salary as shall be assigned by the Queen, by Order in Council, not exceeding the sum of three thousand pounds per annum. 5

Every person appointed to be a judge under this Act shall be a member of the Church of England, and shall, before entering on his office, sign the declaration in Schedule (A.) to this Act; and if at any time any such judge shall cease to be a member of the Church, his office shall thereupon be vacant. 10

This section shall come into operation immediately after the passing of this Act.

Representa-  
tion by arch-  
deacon, rural  
dean, church-  
warden, or  
parishioners.

8. If the archdeacon of the archdeaconry, or the rural dean of the rural deanery, or a churchwarden of the parish, or any three parishioners of the parish, within which archdeaconry, rural deanery, 15 or parish any church is situate, or for the use of any part of which any burial ground is legally provided, shall be of opinion,—

- (1.) That in such church any alteration in or addition to the fabric, ornaments, or furniture thereof has been made without a faculty from the ordinary authorising or con- 20 firming such alteration or addition, or that any decoration forbidden by law has been introduced into such church; or
- (2.) That the incumbent has within the preceding twelve months used or permitted to be used in such church or burial ground any unlawful ornament of the minister of the 25 church; or
- (3.) That the incumbent has within the preceding twelve months failed to observe, or to cause to be observed, the directions contained in the Book of Common Prayer relating to the performance, in such church or burial ground, of the ser- 30 vices, rites, and ceremonies ordered by the said book, or has made or permitted to be made any unlawful addition to, alteration of, or omission from, such services, rites, and ceremonies,—

such archdeacon, rural dean, churchwarden, or parishioners may, if 35 he or they think fit, represent the same to the bishop, by sending to the bishop a form, as contained in Schedule (B.) to this Act, duly filled up and signed, and accompanied by a declaration made by him or them under the Act of the fifth and sixth year of the reign of King William the Fourth, chapter sixty-two, affirming the truth 40 of the statements contained in the representation: Provided, that no proceedings shall be taken under this Act as regards any alteration

in or addition to the fabric of the church completed five years A.D. 1874.  
before the commencement of such proceedings.

9. Unless the bishop shall be of opinion that proceedings should not be taken on the representation (in which case he shall  
5 state in writing the reason for his opinion, and such statement shall be deposited in the registry of the diocese), he shall within twenty-one days after receiving the representation transmit the same to the person complained of, and shall require such person, and also the person making the representation, to state in writing within ten days  
10 whether they are willing to submit to the directions of the bishop touching the matter of the said representation, without appeal; and if they shall state their willingness to submit to the directions of the bishop without appeal, the bishop shall forthwith proceed to hear the matter of the representation in such manner as he shall think fit,  
15 and shall pronounce such judgment and issue such monition (if any) as he may think proper, and no appeal shall lie from such judgment or monition.

Proceedings  
on represen-  
tation.

Provided, that no judgment so pronounced by the bishop shall be considered as finally deciding any question of law so that it may  
20 not be again raised by other parties.

If the person or persons making the representation and the incumbent shall not, within the time aforesaid, state their willingness to submit to the directions of the bishop, the bishop shall forthwith transmit the representation in the prescribed mode to the  
25 archbishop of the province, and the archbishop shall forthwith require the judge to hear the matter of the representation at any place within the diocese or province, or in London or Westminster.

The judge shall give not less than twenty-one days notice to the parties of the time and place at which he will proceed to  
30 hear the matter of the said representation. The Judge before proceeding to give such notice shall require from the party making the representation such security for costs as the Judge may think proper, such security to be given in the manner prescribed by the rules and orders.

35 The person complained of (herein-after called the defendant) shall within fourteen days after such notice transmit to the judge, and to the party making the representation (herein-after called the complainant), a succinct answer to the representation, and in default of such answer he shall be deemed to have denied the  
40 truth or relevancy of the representation.

In all proceedings before the judge under this Act the evidence shall be given *viva voce*, in open court, and upon oath;

A.D. 1874. — and the judge may require and enforce the attendance of witnesses, and the production of evidences, books, or writings, in the like manner as a judge of Her Majesty's High Court of Justice.

Unless the parties shall both agree that the evidence shall be taken down by a shorthand writer, and that a special case shall 5 not be stated, the judge shall state the facts proved before him in the form of a special case, similar to a special case stated under the Common Law Procedure Acts, 1852-1854.

The judge shall pronounce judgment on the matter of the representation, and shall deliver to the parties, on application, and 10 to the bishop, a copy of the special case, if any, and judgment.

The complainant and defendant may at any time after the making of a representation to the bishop state any questions arising in such proceedings in a special case, signed by a barrister-at-law, for the opinion of the judge; and the parties, after signing and 15 transmitting the same to the bishop, may require it to be transmitted to the judge for hearing; and the judge shall hear and determine the question or questions arising thereon, and any judgment pronounced by the bishop shall be in conformity with such determination. 20

The judge shall issue such monition (if any) and make such order as to costs as the judgment shall require.

Upon every judgment of the judge, or monition issued in accordance therewith, an appeal shall lie, in the form prescribed by rules and orders, to Her Majesty in Council, and Her Majesty 25 in Council may refer the same to the Imperial Court of Appeal as constituted by the Supreme Court of Judicature Acts, 1873, 1874.

Registrar of the diocese to perform duties under the Act.

10. The registrar of the diocese, or his deputy duly appointed, shall perform such duties in relation to this Act, and shall receive 30 such fees as may be prescribed by the rules and orders; provided that the fees of such registrar shall not in any one suit amount to a larger sum than three guineas.

No fresh evidence to be admitted on appeal.

11. For the purpose of an appeal to Her Majesty in Council under this Act, the special case settled by the judge, or a copy of 35 the shorthand writer's notes, as the case may be, shall be transmitted in the manner prescribed by rules and orders, and no fresh evidence shall be admitted upon appeal except by the permission of the tribunal hearing the appeal.

Inhibition of incumbent.

12. Obedience by an incumbent to a judgment or monition may 40 be enforced, if necessary, in the manner prescribed by rules and

orders, by an order inhibiting the incumbent from performing any service of the church, or otherwise exercising the cure of souls within the diocese for a term not exceeding three months; provided that at the expiration of such term the inhibition shall not be relaxed until the incumbent shall, by writing under his hand, in the form prescribed by the rules and orders, undertake to pay due obedience to such monition, or to the part thereof which shall not have been annulled; provided that if such inhibition shall remain in force for more than three years from the date of the issuing of the monition, or from the final determination of an appeal therefrom, whichever shall last happen, or if a second inhibition in regard to the same monition shall be issued within three years from the relaxation of an inhibition, any benefice or other ecclesiastical preferment held by the incumbent in the parish in which the church is situate, or for the use of which the burial ground is legally provided, in relation to which church or burial ground such monition has been issued as aforesaid, shall thereupon become void, unless the bishop shall, for some special reason stated by him in writing, postpone for a period not exceeding three months the date at which, unless such inhibition be relaxed, such benefice or other ecclesiastical preferment shall become void as aforesaid; and upon such avoidance it shall be lawful for the patron of such benefice or other ecclesiastical preferment to appoint, present, collate, or nominate to the same as if such incumbent were dead, and the provisions contained in the Act of the first and second year of the reign of Her Majesty, chapter one hundred and six, section fifty-eight, in reference to notice to the patron and as to lapse, shall be applicable to any benefice or other ecclesiastical preferment avoided under this Act, and it shall not be lawful for the patron at any time to appoint, present, collate, or nominate to such benefice or such other ecclesiastical preferment the incumbent by whom the same was avoided under this Act.

The bishop may, during such inhibition, unless he is satisfied that due provision is otherwise made for the spiritual charge of the parish, make due provision for the service of the church and the cure of souls, and it shall be lawful for the bishop to raise the sum required from time to time for such provision by sequestration of the profits of such benefice or other ecclesiastical preferment.

Any question as to whether a judgment or monition given or issued after proceedings before the judge has or has not been obeyed shall be determined by the judge, and any proceedings to enforce obedience to such judgment or monition shall be taken by order of the judge.

A.D. 1874.

Faculty not  
necessary in  
certain cases.

**13.** It shall not be necessary to obtain a faculty from the ordinary in order lawfully to obey any monition or judgment issued or given under this Act, and if the judge shall direct in any monition or judgment that a faculty shall be applied for, such fees only shall be paid for such faculty as may be directed by the rules and orders; 5 provided that nothing in this Act contained shall be construed to limit or control the discretion vested by law in the ordinary as to the grant or refusal of a faculty: Provided also, that a faculty shall, on application, be granted gratuitously in respect of any alteration in or addition to the fabric of any church, or in respect of any 10 ornaments or furniture, not being contrary to law, made or existing in any church at the time of the passing of this Act.

Service of  
notices.

**14.** All notices and other documents directed to be given to any person under the Act shall be given in the manner prescribed by 15 rules and orders.

Substitute  
for bishop  
in case of  
illness.

**15.** If any bishop shall be unable from illness to discharge any of the duties imposed upon him by this Act in regard to any representation, the archbishop of the province shall act in the place of such bishop in all matters thereafter arising in relation to such representation, and if any archbishop shall be unable from illness 20 to discharge any of the duties imposed upon him by this Act in regard to any representation, Her Majesty may, by her sign manual, appoint an archbishop or bishop to act in the place of such archbishop in all matters thereafter arising in relation to such representation. 25

Application  
of Act to  
cathedral  
churches.

**16.** Whensoever the visitor of any cathedral church shall, during his visitation thereof, have any doubt as to the law affecting any of the matters which could under this Act have been made the subject of a representation to the bishop if such cathedral church had been a parish church, or if such cathedral church being also 30 a parish church had not been excepted from the definition of a church contained in this Act, the visitor shall have power to state any question of law in a special case for the consideration of the judge, and the judge shall have power to determine the same, after hearing such persons as he shall think fit; and any judgment, 35 ordinance, or monition of the said visitor shall be in conformity with such determination.

Notwithstanding any restriction by custom of the periods at which the visitor of any cathedral church shall have power to visit the said cathedral church, it shall be lawful for him to hold 40 a visitation whensoever it shall appear to him expedient to do so.

An appeal shall lie direct from any judgment, ordinance, or monition of the said visitor pronounced, made, or issued under this section to Her Majesty in Council, and Her Majesty in Council may refer the same to Her Majesty's Imperial Court of Appeal as constituted by the Supreme Court of Judicature Acts 1873, 1874. A.D. 1874.

Nothing in this Act contained shall make it lawful for the visitor to direct that a faculty shall be applied for in any case in which before the passing of this Act such direction could not lawfully have been given.

- 10 No direction shall be given under this section in regard to any alteration in or addition to the fabric of any cathedral church which has been completed before the passing of this Act; but any judgment pronounced by any bishop as visitor of a cathedral church within two years before the passing of this Act in regard to any alteration
- 15 in or addition to the fabric thereof shall be deemed and be subject to appeal in like manner as any judgment of such bishop pronounced in his Consistory Court would have been appealable.

17. When proceedings have been commenced against any incumbent under the Act of the third and fourth year of the reign of Her Majesty, chapter eighty-six, he shall not be liable to proceedings under this Act in respect of the same matter; and no incumbent proceeded against under this Act shall be liable to proceedings under the said Act of the third and fourth year of the reign of Her Majesty, in respect of the same matter. Limitation of proceedings against incumbent.
- 20

18. Her Majesty may by Order in Council, at any time either before or after the commencement of this Act, by and with the advice of the Lord High Chancellor, the Lord Chief Justice of the Queen's Bench, the judge to be appointed under this Act, and the archbishops and bishops who are members of Her Majesty's Privy Council, or any two of the said persons, cause rules to be made for regulating the procedure and settling the fees to be taken in proceedings under this Act, so far as the same may not be expressly regulated by this Act, and from time to time alter or amend such rules. All rules made in pursuance of this section shall be laid before each House of Parliament within forty days after the same are made if Parliament is then sitting, or if not, within forty days after the then next meeting of Parliament, and if an address is presented to Her Majesty by either of the said Houses within the next subsequent forty days on which the House shall have sat praying that any such rules may be annulled, Her Majesty
- 25
- 30
- 35
- 40
- Rules for settling procedure and fees under this Act.

[176.]

C



A.D 1874. — may thereupon by Order in Council annul the same, and the rules so annulled shall thenceforth become void, without prejudice to the validity of any proceedings already taken under the same.

Chapels, &c.  
to which Act  
not to ex-  
tend.

19. Nothing in this Act contained shall be construed to extend to the following places :

5

The chapels of the colleges and halls in the universities of Oxford, Cambridge, and Durham :

The chapels of Lincoln's Inn and Gray's Inn, the Temple Church, and the Rolls Chapel :

The university church of any of the said universities, when used 10 by such university :

Any chapel coming under the provisions of section 31 of the "Public Schools Act, 1868," or under the provisions of section 53 of the "Endowed Schools Act, 1869 :"

Any chapel coming under the provisions of the "Private Chapels 15 Act, 1871."



**Public Worship Regu-  
lation. [H.L.]**

---

A

**B I L L**

INTRODUCED

An Act for the better administration of  
the Laws respecting the regulation  
of Public Worship.

*(Brought from the Lords 26 June 1874.)*

---

---

*Ordered, by The House of Commons, to be Printed  
26 June 1874.*

---

---

[Bill 176.]

*Under 2 oz.*

# Public Worship Regulation Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

---

## ARRANGEMENT OF CLAUSES.

---

### Clauses.

1. Short title.
2. Commencement of Act.
3. Extent of Act.
4. Proceedings under this Act not to be deemed proceedings under 3 & 4 Vict. c. 86. s. 23.
5. Saving of jurisdiction.
6. Interpretation of terms.
7. Appointment, duties, and salary of judge.
8. Representation by archdeacon, churchwarden, or parishioners.
9. Proceedings on representation.
10. Registrar of the diocese to perform duties under the Act.
11. Parties may appear in person or by proctor or solicitor.
12. No fresh evidence to be admitted on appeal.
13. Inhibition of incumbent.
14. Faculty not necessary in certain cases.
15. Service of notices.
16. Substitute for bishop in case of illness.
17. Provisions relating to cathedral or collegiate church.
18. Limitation of proceedings against incumbent.
19. Rules for settling procedure and fees under this Act.

### SCHEDULES.

---



A

# B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act for the better administration of the Laws respecting A.D. 1874.  
the regulation of Public Worship.

**W**HEREAS it is expedient that in certain cases further regulations should be made for the administration of the laws relating to the performance of divine service according to the use of the Church of England :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Public Worship Regulation Short title.  
10 Act, 1874."

2. This Act shall come into operation on the first day of July Commence-  
one thousand eight hundred and seventy-five, except where expressly ment of Act.  
herein-after provided.

3. This Act shall extend to that part of the United Kingdom Extent of  
15 called England, and the Isle of Man. Act.

4. Proceedings taken under this Act shall not be deemed to be Proceedings  
such proceedings as are mentioned in the Act of the third and under this  
fourth year of the reign of Her Majesty, chapter eighty-six, section Act not to  
twenty-three. be deemed  
proceedings  
under 3 & 4  
Vict. c. 86.  
s. 23.

20 5. Nothing in this Act contained, save as herein expressly pro- Saving of  
vided, shall be construed to affect or repeal any jurisdiction which jurisdiction.  
may now be in force for the due administration of ecclesiastical  
law.

[Bill 236.]

A 2

A.D. 1874.

Interpreta-  
tion of terms.  
"Bishop."

**6.** In this Act the following terms shall, if not inconsistent with the context, be thus interpreted—

The term "bishop" means the archbishop or bishop of the diocese in which the church or burial ground is situate to which a representation relates :

5

"Book of  
Common  
Prayer."

The term "Book of Common Prayer" means the book annexed to the Act of the fourteenth year of the reign of King Charles the Second, chapter four, intituled "The Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England ; together with the Psalter or Psalms of David, pointed as they are to be sung or said in churches ; and the form or manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons ;" together with such alterations as have from time to time been or may hereafter be made in the said book by lawful authority :

10

15

"Burial  
ground."

The term "burial ground" means any churchyard, cemetery, or burial ground, or the part of any cemetery or burial ground, in which, at the burial of any corpse therein, the order for the burial of the dead contained in the Book of Common Prayer is directed by law to be used :

20

"Church."

The term "church" means any church, chapel, or place of public worship in which the incumbent is by law or by the terms of license from the bishop required to conduct divine service according to the Book of Common Prayer :

25

"Diocese."

The term "diocese" means the diocese in which the church or burial ground is situate to which a representation relates, and comprehends all places which are situate within the limits of such diocese :

"Incum-  
bent."

The term "incumbent" means the person or persons in holy orders legally responsible for the due performance of divine service in any church, or of the order for the burial of the dead in any burial ground :

30

"Parish."

The term "parish" means any parish, ecclesiastical district, chapelry, or place over which any incumbent has the exclusive cure of souls :

35

"Parish-  
ioner."

The term "parishioner" means a male person of full age who before making any representation under this Act has transmitted to the bishop under his hand the declaration contained in Schedule (A.) to this Act, and who either has, and for one year

40

next before taking any proceeding under this Act has had, his usual place of abode in the parish within which the church is situate, or for the use of which the burial ground is legally provided, to which the representation relates :

A.D. 1874.

5 Barrister-at-law shall in the Isle of Man include advocate :

The term "rules and orders" means the rules and orders framed under the provisions of this Act; and the term "prescribed" means prescribed by such rules and orders.

"Rules and orders."  
"Pre-scribed."

7. The Archbishop of Canterbury and the Archbishop of York may, but subject to the approval of Her Majesty to be signified under Her Sign Manual, appoint from time to time a barrister-at-law who has been in actual practice for ten years, or a person who has been a judge of one of the Superior Courts of Law or Equity, or of Her Majesty's High Court of Justice, or Her Majesty's Imperial Court of Appeal, to be, during good behaviour, a judge of the Provincial Courts of Canterbury and York, herein-after called the judge.

Appoint-ment, duties, and salary of judge.

If the said archbishops shall not, within six months after the passing of this Act, or within six months after the occurrence of any vacancy in the office, appoint the said judge, Her Majesty may by Letters Patent appoint some person, qualified as aforesaid, to be such judge.

Whensoever a vacancy shall occur in the office of official principal of the Arches Court of Canterbury, the judge shall become ex officio such official principal, and all proceedings thereafter taken before the judge in relation to matters arising within the province of Canterbury shall be deemed to be taken in the Arches Court of Canterbury; and whensoever a vacancy shall occur in the office of official principal or auditor of the Chancery Court of York, the judge shall become ex officio such official principal or auditor, and all proceedings thereafter taken before the judge in relation to matters arising within the province of York shall be deemed to be taken in the Chancery Court of York; and whensoever a vacancy shall occur in the office of Master of the Faculties to the Archbishop of Canterbury, such judge shall become ex officio such Master of the Faculties.

Every person appointed to be a judge under this Act shall be a member of the Church of England, and shall, before entering on his office, sign the declaration in Schedule (A.) to this Act; and if at any time any such judge shall cease to be a member of the Church, his office shall thereupon be vacant.

This section shall come into operation immediately after the passing of this Act.



A.D. 1874.

Representa-  
tion by arch-  
deacon,  
church-  
warden, or  
parishioners.

8. If the archdeacon of the archdeaconry, or a churchwarden of the parish, or any three parishioners of the parish within which archdeaconry or parish any church is situate, or for the use of any part of which any burial ground is legally provided, or in case of cathedrals, any three inhabitants of the diocese who have signed 5 and transmitted to the bishop under their hands the declaration contained in Schedule A. under this Act, and who have, and for one year next before taking any proceeding under this Act have had their usual place of abode in the diocese within which the cathedral is situated, shall be of opinion,— 10

- (1.) That in such church any alteration in or addition to the fabric, ornaments, or furniture thereof forbidden by law has been made, or that any decoration forbidden by law has been introduced into such church; or
- (2.) That the incumbent has within the preceding twelve months 15 used or permitted to be used in such church or burial ground any unlawful ornament of the minister of the church, or neglected to use any prescribed ornament or vesture; or
- (3.) That the incumbent has within the preceding twelve months 20 failed to observe, or to cause to be observed, the directions contained in the Book of Common Prayer relating to the performance, in such church or burial ground, of the services, rites, and ceremonies ordered by the said book, or has made or permitted to be made any unlawful addition 25 to, alteration of, or omission from, such services, rites, and ceremonies,—

such archdeacon, churchwarden, parishioners, or such inhabitants of the diocese may, if he or they think fit, represent the same to the bishop, by sending to the bishop a form, as contained in 30 Schedule (B.) to this Act, duly filled up and signed, and accompanied by a declaration made by him or them under the Act of the fifth and sixth year of the reign of King William the Fourth, chapter sixty-two, affirming the truth of the statements contained in the representation: Provided, that no proceedings shall be taken 35 under this Act as regards any alteration in or addition to the fabric of the church completed five years before the commencement of such proceedings.

Proceedings  
on represen-  
tation.

9. Unless the bishop shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be 40 taken on the representation (in which case he shall state in writing the reason for his opinion, and such statement shall be deposited in

the registry of the diocese, and a copy thereof shall forthwith be transmitted to some one of the persons who shall have made the representation, and to the person complained of,) he shall within twenty-one days after receiving the representation transmit the same to the  
5 person complained of, and shall require such person, and also the person making the representation, to state in writing within twenty-one days whether they are willing to submit to the directions of the bishop touching the matter of the said representation, without appeal; and if they shall state their willingness to submit to the directions of  
10 the bishop without appeal, the bishop shall forthwith proceed to hear the matter of the representation in such manner as he shall think fit, and shall pronounce such judgment and issue such monition (if any) as he may think proper, and no appeal shall lie from such judgment or monition.

15 Provided, that no judgment so pronounced by the bishop shall be considered as finally deciding any question of law so that it may not be again raised by other parties.

The parties may, at any time after the making of a representation to the bishop, join in stating any questions arising in such proceedings in a special case signed by a barrister-at-law for the opinion  
20 of the judge, and the parties after signing and transmitting the same to the bishop may require it to be transmitted to the judge for hearing, and the judge shall hear and determine the question or questions arising thereon, and any judgment pronounced by the  
25 bishop shall be in conformity with such determination.

Provided also, that if such bishop shall be of opinion that proceedings should not be taken on any representation, it shall be lawful for the person making such representation to cause notice to be served on such bishop (which notice may be served by depositing  
30 the same in the registry of the diocese), and also on the person complained of, that it is his intention to appeal against the decision of such bishop to the archbishop of the province within which such diocese is situate; and thereupon such bishop shall cause the representation, the declaration, and the statement aforesaid deposited  
35 in such registry to be sent to such archbishop; and such archbishop shall within one month return such documents to such bishop with his decision thereon in writing confirming or annulling the decision of such bishop, which several documents shall be deposited in the registry of such diocese; and if the decision of  
40 such archbishop so require, such bishop shall within twenty-one days after receiving such decision proceed as herein-before directed in the case of his deciding that proceedings shall be taken on the representation.

A.D. 1874.

If the person or persons making the representation and the person complained of shall not, within the time aforesaid, state their willingness to submit to the directions of the bishop, the bishop shall forthwith transmit the representation in the prescribed mode to the archbishop of the province, and the archbishop shall forthwith require the judge to hear the matter of the representation at any place within the diocese or province, or in London or Westminster. 5

The judge shall give not less than twenty-eight days notice to the parties of the time and place at which he will proceed to hear the matter of the said representation. The judge before proceeding to give such notice shall require from the person making the representation such security for costs as the judge may think proper, such security to be given in the manner prescribed by the rules and orders. 15

The person complained of shall within twenty-one days after such notice transmit to the judge, and to the person making the representation, a succinct answer to the representation, and in default of such answer he shall be deemed to have denied the truth or relevancy of the representation. 20

In all proceedings before the judge under this Act the evidence shall be given *viva voce*, in open court, and upon oath; and the judge shall have the powers of a court of record, and may require and enforce the attendance of witnesses, and the production of evidences, books, or writings, in the like manner as a judge of Her Majesty's High Court of Justice. 25

Unless the parties shall both agree that the evidence shall be taken down by a shorthand writer, and that a special case shall not be stated, the judge shall state the facts proved before him in the form of a special case, similar to a special case stated under the Common Law Procedure Acts, 1852-1854. 30

The judge shall pronounce judgment on the matter of the representation, and shall deliver to the parties, on application, and to the bishop, a copy of the special case, if any, and judgment.

The judge shall issue such monition (if any) and make such order as to costs as the judgment shall require. 35

Upon every judgment of the judge, or monition issued in accordance therewith, an appeal shall lie, in the form prescribed by rules and orders, to Her Majesty in Council.

The judge may, on application, in any case, suspend the execution of such judgment or monition pending an appeal if he shall think fit. 40

10. The registrar of the diocese, or his deputy duly appointed, shall perform such duties in relation to this Act, and shall receive such fees as may be prescribed by the rules and orders.

A.D. 1874.

Registrar of the diocese to perform duties under the Act.

11. In any proceedings under this Act any person, whether complainant or defendant, may appear either by himself in person or by counsel, or by any proctor, or any solicitor of the Supreme Court.

Parties may appear in person or by proctor or solicitor.

12. For the purpose of an appeal to Her Majesty in Council under this Act, the special case settled by the judge, or a copy of the shorthand writer's notes, as the case may be, shall be transmitted in the manner prescribed by rules and orders, and no fresh evidence shall be admitted upon appeal except by the permission of the tribunal hearing the appeal.

No fresh evidence to be admitted on appeal.

13. Obedience by an incumbent to a monition or order of the bishop or judge as the case may be may be enforced, if necessary, in the manner prescribed by rules and orders, by an order inhibiting the incumbent from performing any service of the church, or otherwise exercising the cure of souls within the diocese for a term not exceeding three months; provided that at the expiration of such term the inhibition shall not be relaxed until the incumbent shall, by writing under his hand, in the form prescribed by the rules and orders, undertake to pay due obedience to such monition or order, or to the part thereof which shall not have been annulled; provided that if such inhibition shall remain in force for more than three years from the date of the issuing of the monition, or from the final determination of an appeal therefrom, whichever shall last happen, or if a second inhibition in regard to the same monition shall be issued within three years from the relaxation of an inhibition, any benefice or other ecclesiastical preferment held by the incumbent in the parish in which the church is situate, or for the use of which the burial ground is legally provided, in relation to which church or burial ground such monition has been issued as aforesaid, shall thereupon become void, unless the bishop shall, for some special reason stated by him in writing, postpone for a period not exceeding three months the date at which, unless such inhibition be relaxed, such benefice or other ecclesiastical preferment shall become void as aforesaid; and upon any such avoidance it shall be lawful for the patron of such benefice or other ecclesiastical preferment to appoint, present, collate, or nominate to the same as if such incumbent were dead, and the provisions contained in the Act of the first and second year of the reign of Her Majesty, chapter one hun-

Inhibition of incumbent.

A.D. 1874. dred and six, section fifty-eight, in reference to notice to the patron and as to lapse, shall be applicable to any benefice or other ecclesiastical preferment avoided under this Act, and it shall not be lawful for the patron at any time to appoint, present, collate, or nominate to such benefice or such other ecclesiastical preferment the 5 incumbent by whom the same was avoided under this Act.

The bishop may, during such inhibition, unless he is satisfied that due provision is otherwise made for the spiritual charge of the parish, make due provision for the service of the church and the cure of souls, and it shall be lawful for the bishop to raise the 10 sum required from time to time for such provision by sequestration of the profits of such benefice or other ecclesiastical preferment.

Any question as to whether a monition or order given or issued after proceedings before the judge has or has not been obeyed shall 15 be determined by the judge, and any proceedings to enforce obedience to such monition or order shall be taken by order of the judge.

Faculty not  
necessary in  
certain cases.

14. It shall not be necessary to obtain a faculty from the ordinary in order lawfully to obey any monition issued under this Act, and if the judge shall direct in any monition that a faculty shall be 20 applied for, such fees only shall be paid for such faculty as may be directed by the rules and orders; provided that nothing in this Act contained shall be construed to limit or control the discretion vested by law in the ordinary as to the grant or refusal of a faculty: Provided also, that a faculty shall, on application, be granted 25 gratuitously, with the exception of the stamp duty, in respect of any alteration in or addition to the fabric of any church, or in respect of any ornaments or furniture, not being contrary to law, made or existing in any church at the time of the passing of this Act. 30

Service of  
notices.

15. All notices and other documents directed to be given to any person under the Act shall be given in the manner prescribed by rules and orders.

Substitute  
for bishop  
in case of  
illness.

16. If any bishop shall be patron of the benefice or of any ecclesiastical preferment held by the incumbent against whom a 35 representation shall have been made, or shall be unable from illness to discharge any of the duties imposed upon him by this Act in regard to any representation, the archbishop of the province shall act in the place of such bishop in all matters thereafter arising in relation to such representation, and if any archbishop shall be 40 patron of the benefice or of any ecclesiastical preferment held by the incumbent against whom a representation shall have been

made, or shall be unable from illness to discharge any of the duties imposed upon him by this Act in regard to any representation, Her Majesty may, by her sign manual, appoint an archbishop or bishop to act in the place of such archbishop in all matters thereafter arising in relation to such representation.

17. The duties appointed under this Act to be performed by the bishop of the diocese shall in the case of a cathedral or collegiate church be performed by the visitor thereof.

Provisions  
relating to  
cathedral or  
collegiate  
church.

If any complaint shall be made concerning the fabric, ornaments, furniture, or decorations of a cathedral or collegiate church, the person complained of shall be the dean and chapter of such cathedral or collegiate church, and in the event of obedience not being rendered to a monition relating to the fabric, ornaments, furniture, or decorations of such cathedral or collegiate church, the visitor, or the judge, as the case may be, shall have power to carry into effect the directions contained in such monition, and if necessary to raise the sum required to defray the cost thereof by sequestration of the profits of the preferments held in such cathedral or collegiate church by the dean and chapter thereof.

If any complaint shall be made concerning the ornaments of the minister in a cathedral or collegiate church, or as to the observance therein of the directions contained in the Book of Common Prayer, relating to the performance of the services, rites, and ceremonies ordered by the said book, or as to any alleged addition to, alteration of, or omission from such services, rites, and ceremonies in such cathedral or collegiate church, the person complained of shall be the clerk in holy orders alleged to have offended in the matter complained of, and the visitor, or the judge, as the case may be, in the event of obedience not being rendered to a monition, shall have the same power as to inhibition, and the preferment held in such cathedral or collegiate church by the person complained of shall be subject to the same conditions as to avoidance, notice, and lapse, and as to any subsequent appointment, presentation, collation, or nomination thereto, and as to due provision being made for the performance of the duties of such person, as are contained in this Act concerning an incumbent to whom a monition has been issued, and concerning any benefice or other ecclesiastical preferment held by such incumbent.

18. When a sentence has been pronounced by consent, or any suit or proceeding has been commenced against any incumbent under the Act of the third and fourth year of the reign of Her Majesty, chapter eighty-six, he shall not be liable to proceedings

Limitation of  
proceedings  
against  
incumbent.

[236.]

C

A.D. 1874. — under this Act in respect of the same matter; and no incumbent proceeded against under this Act shall be liable to proceedings under the said Act of the third and fourth year of the reign of Her Majesty, in respect of any matter upon which judgment has been pronounced under this Act. 5

Rules for settling procedure and fees under this Act.

**19.** Her Majesty may by Order in Council, at any time either before or after the commencement of this Act, by and with the advice of the Lord High Chancellor, the Lord Chief Justice, the judge to be appointed under this Act, and the archbishops and bishops who are members of Her Majesty's Privy Council, or any 10 two of the said persons, one of them being the Lord High Chancellor or the Lord Chief Justice of England, cause rules and orders to be made for regulating the procedure and settling the fees to be taken in proceedings under this Act, so far as the same may not be expressly regulated by this Act, and from time to 15 time alter or amend such rules and orders. All rules and orders made in pursuance of this section shall be laid before each House of Parliament within forty days after the same are made if Parliament is then sitting, or if not, within forty days after the then next meeting of Parliament, and if an address is presented 20 to Her Majesty by either of the said Houses within the next subsequent forty days on which the House shall have sat praying that any such rules may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rules and orders so annulled shall thenceforth become void, without prejudice to the 25 validity of any proceedings already taken under the same.





**Public Worship Regu-  
lation. [H.L.]**

---

A

**B I L L**

[AS AMENDED IN COMMITTEE]

INTITLED

An Act for the better administration of  
the Laws respecting the regulation  
of Public Worship.

(*Brought from the Lords 26 June 1874.*)

---

*Ordered, by The House of Commons, to be Printed,  
28 July 1874.*

---

[Bill 236.]

*Under 2 oz.*

# **Rabbits Bill.**

---

## **ARRANGEMENT OF CLAUSES.**

---

**Clause.**

1. Short title of Act.
  2. Extent of Act.
  3. Penalty on trespass in pursuit of rabbits in the day-time.
  4. Penalty on wilfully continuing on land, refusal to give name, &c.
  5. Penalty on persons found armed using violence or intimidation.
  6. Summary proceedings for offences, and penalties.
  7. Definitions.
  8. Saving for rights of lords of manors, &c.
  9. Repeal.
-

THE UNIVERSITY OF CHICAGO

LIBRARY

A  
B I L L

TO

A.D. 1874.

Amend the law relating to Trespass in pursuit of Rabbits.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5    1. This Act may be cited as "The Rabbits Act, 1874."

2. This Act shall not extend to Ireland.

3. Any person who commits any trespass by entering or being in the day-time on any land in search or pursuit of rabbits, shall be liable to a penalty not exceeding *five shillings*.

10    Where three or more persons together commit any such trespass, each of such persons shall be liable to a penalty not exceeding *ten shillings*.

Any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a  
15    defence to an action at law for such trespass.

4. Where any person is found on any land in the day-time in search or pursuit of rabbits, the occupier of the land, or any person authorised by him, may require the person so found forthwith to quit the land whereon he is so found, and also to tell his christian  
20    name, surname, and place of abode.

If such person, after being so required—

(a) wilfully continues or returns on the land ; or

(b) refuses to tell his real name or place of abode ; or

25    (c) gives such a general description of his place of abode as to be illusory for the purpose of discovery,

he shall be liable to a penalty not exceeding *ten shillings*,

The occupier or any person authorised by him, so requiring as aforesaid, or any person acting by the order and in aid of either of them, may apprehend an offender under this section, and convey him

[Bill 100.]

A

Short title of Act.

Extent of Act.

Penalty on trespass in pursuit of rabbits in the day-time.

Penalty on wilfully continuing on land, refusal to give name, &c.

A.D. 1874. or cause him to be conveyed, as soon as conveniently may be, before a court of summary jurisdiction : Provided that no person so apprehended shall be detained for a longer period than *twelve hours* from the time of his apprehension until he is brought before a court of summary jurisdiction. 5

Penalty on persons found armed using violence or intimidation.

**5. Any person who—**

Being armed with a gun, is found on any land in the day-time in search or pursuit of rabbits, and by violence, intimidation, or menace prevents or endeavours to prevent the occupier of the land or any person authorised by him from approaching 10 him, or from approaching any person in company with him, Shall be liable, in addition to any other penalty to which he may be liable under this Act, to a penalty not exceeding *five pounds*.

Summary proceedings for offences, and penalties.

**6. All offences and penalties under this Act may be prosecuted and recovered before a court of summary jurisdiction in manner 15 provided by the Summary Jurisdiction Acts ; but no offence shall be prosecuted and no penalty shall be recoverable under this Act . save by the occupier of the land on which the offence in question . is committed.**

Definitions.

**7. In this Act—**

The expression “Summary Jurisdiction Acts” means as follows :—

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance 25  
“ of the duties of justices of the peace out of sessions within  
“ England and Wales, with respect to summary convictions  
“ and orders,” and any Acts amending the same :

As to Scotland, “The Summary Procedure Act, 1864 :”

The expression “court of summary jurisdiction” means, in 30  
England, any two justices of the peace or any metropolitan, stipendiary, or other magistrate empowered by law to do alone any act authorised to be done by more than one justice of the peace ; and in Scotland, any justice or justices of the peace, sheriff, or sheriff substitute, police or other magistrate or 35  
officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts, or any Acts therein referred to :

The expression “the day-time” means the period commencing at the beginning of the last hour before sunrise and concluding 40  
at the expiration of the first hour after sunset.

8. Nothing in this Act shall in anywise affect or prejudice the rights or privileges of any lord or owner of any manor, forest, chase, or free warren.

—  
Saving for  
rights of  
lords of  
manors, &c  
Repeal.

9. So much of any Act described in the schedule to this Act as relates to coney is hereby repealed; but this repeal shall not be deemed to affect the provisions of any such Act so far as they relate to game, deer, roe, woodcocks, snipes, quails, landrails, or wild ducks, or so far as they relate to Ireland.

Nor shall this repeal affect—

- 10 (a) Anything duly done or suffered under the said Acts :
- (b) Any penalty, forfeiture, or other punishment incurred in respect of any offence against the said Acts :
- (c) The institution of any legal proceeding or any other remedy for enforcing, recovering, or imposing any such penalty, forfeiture, or punishment as aforesaid.

## SCHEDULE.

20	Session and Chapter.	Title.
	1 & 2 W. 4. c. 32. - -	An Act to amend the laws in England relative to game.
25	2 & 3 W. 4. c. 68. - -	An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland.
30	23 & 24 Vict. c. 90. - -	An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licenses and certificates for the like purposes.

# Rabbits.

A

## B I L L

To amend the law relating to Trespass  
in pursuit of Rabbits.

(*Prepared and brought in by*  
*Mr. Peil, Sir Wyndham Austriker, Mr. Walsh,*  
*and Mr. Montgomerie.*)

*Ordered, by The House of Commons, to be Printed,*  
*11 May 1874.*

[Bill 100.]

*Under 1 oz.*

# Rating Bill.

[AS AMENDED IN COMMITTEE.]

---

## ARRANGEMENT OF CLAUSES.

---

Clause.

1. Short title.
  2. Extent of Act.
  3. Abolition of certain exemptions from rating.
  4. Valuation of land used as plantation, &c.
  5. Deduction of rate by tenant of plantation, &c.
  6. Valuation and rating of rights of shooting, &c.
  7. Gross and rateable value of tin, lead, and copper mines.
  8. Deduction of rate by tenant of mine.
  9. General provision as to deduction of rates.
  10. Liability of property to local rates as well as poor rates.
  11. Commencement of Act.
  12. Saving.
  13. Saving as to mine where dues payable in kind.
  14. Repeal of 43 Eliz. c. 2. as to saleable underwood.
  15. Definitions.
-





A

## B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law respecting the Liability and Valuation of A.D. 1874.  
certain Property for the purpose of Rates.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. This Act may be cited as "The Rating Act, 1874." Short title.
2. This Act shall not apply to Scotland or Ireland. Extent of Act.
3. Whereas by the Act of the forty-third year of the reign of Queen Elizabeth, chapter two, intituled "An Act for the relief of Abolition of certain exemptions from rating.  
" the poor," it is provided that a poor rate shall be raised in every
- 10 parish by taxation of, amongst other persons, every occupier of certain hereditaments in such parish ; and it is expedient to extend the said Act, and the Acts amending the same (which Act and Acts are in this Act referred to as the Poor Rate Acts), to hereditaments other than those mentioned in the said Act: Be it therefore
- 15 enacted that,—
- From and after the commencement of this Act the Poor Rate Acts shall extend to the following hereditaments in like manner as if they were mentioned in the recited Act of the forty-third year of the reign of Queen Elizabeth ; that is to say,
- 20    (1.) To land used for a plantation or a wood or for the growth of saleable underwood ;
- (2.) To rights of fowling, of shooting, of taking or killing game or rabbits, and of fishing, when severed from the occupation of the land ; and
- 25    (3.) To mines of every kind not mentioned in the recited Act.
4. The gross and rateable value of any land used for a plantation or a wood, or for the growth of saleable underwood, shall be estimated as follows :—

Valuation of  
land used as  
plantation,  
&c.

[Bill 180.]

A

A.D. 1874.

- (a.) If the land is used only for a plantation or a wood, the value shall be estimated as if the land instead of being a plantation or wood were let and occupied in its natural and unimproved state:
- (b.) If the land is used for the growth of saleable underwood, the value shall be estimated as if the land were let for that purpose:
- (c.) If the land is used both for a plantation or wood and for the growth of saleable underwood, the value shall be estimated either as if the land were used only for a plantation or wood, or as if the land were used only for the growth of the saleable underwood growing thereon, as the assessment committee may determine.

Deduction  
of rate by  
tenant of  
plantation,  
&c.

5. Where the rateable value of any land used for a plantation or wood, or both for a plantation or wood and for the growth of saleable underwood, is increased by reason of the same being estimated in accordance with this Act, the occupier of that land under any lease or agreement made before the commencement of this Act, may, during the continuance of the lease or agreement, deduct from his rent any poor or other local rate, or any portion thereof, which is paid by him in respect of such increase of rateable value, and every assessment committee, on the application of such occupier, shall certify in the valuation list or otherwise the fact and amount of such increase.

Valuation  
and rating  
of rights of  
shooting,  
&c.

6. (1.) Where any right of fowling or of shooting or of taking or killing game or rabbits, or of fishing (herein-after referred to as a right of sporting) is severed from the occupation of the land and is not let, and the owner of such right receives rent for the land, the said right shall not be separately valued or rated, but the gross and rateable value of the land shall be estimated as if the said right were not severed; and in such case if the rateable value is increased by reason of its being so estimated, but not otherwise, the occupier of the land may (unless he has specifically contracted to pay such rate in the event of an increase) deduct from his rent such portion of any poor or other local rate as is paid by him in respect of such increase; and every assessment committee, on the application of the occupier, shall certify in the valuation list or otherwise the fact and amount of such increase.

40

- (2.) Where any right of sporting or fishing, when severed from the occupation of the land, is let, either the owner or the lessee thereof, according as the persons making the rate determine, may be rated as the occupier thereof.
- (3.) Subject to the foregoing provisions of this section the owner of any right of shooting or of fishing, when severed from the occupation of the land, may be rated as the occupier thereof.
- (4.) For the purposes of this section, the person who, if the right of sporting or of fishing is not let, is entitled to exercise the right, or who, if the right is let, is entitled to receive the rent for the same, shall be deemed to be the owner of the right.

7. Where a tin, lead, or copper mine is occupied under a lease or leases granted without fine on a reservation wholly or partly of dues or rent, the gross value of the mine shall be taken to be the annual amount of the whole of the dues payable in respect thereof during the year ending on the sixth day of April preceding the date at which the valuation list is made, in addition to the annual amount of any fixed rent reserved for the same which may not be paid or satisfied by such dues.

Gross and  
rateable  
value of tin,  
lead, and  
copper  
mines.

- The rateable annual value of such mine shall be the same as the gross value thereof, except that where the person receiving the dues or rent is liable for repairs, insurance, or other expenses necessary to maintain the mine in a state to command the annual amount of dues or rent, the average annual cost of the repairs, insurance, and other expenses for which he is so liable shall be deducted from the gross value for the purpose of calculating the rateable value.

In the following cases, namely,—

1. Where any such mine is occupied under a lease granted wholly or partly on a fine; and
2. Where any such mine is occupied and worked by the owner; and
3. In the case of any other such mine which is not excepted from the provisions of this Act and to which the foregoing provisions of this section do not apply :

- the gross and rateable annual value of the mine shall be taken to be the annual amount of the dues or dues and rent at which the mine might be reasonably expected to let without fine on a lease of the ordinary duration, according to the usage of the country,

[180.]

A 2

A.D. 1874. if the tenant undertook to pay all tenants rates and taxes and tithe rentcharge, and also the repairs, insurance, and other expenses necessary to maintain the mine in a state to command such annual amount of dues or dues and rent.

The purser, secretary, and chief managing agent for the time being of any tin or copper mine, or any of them, may, if the overseers or other rating authority think fit, be rated as the occupier thereof.

In this section—

The term “mine,” when a mine is occupied under a lease, includes the underground workings and the engines, machinery, workshops, tramways, and other plant, buildings (not being dwelling-houses), and works and surface of land occupied in connexion with and for the purposes of the mine, and situate within the boundaries of the land comprised in the lease or leases under which the dues or dues and rent are payable or reserved :

The term “dues” means dues, royalty, or toll, either in money or partly in money and partly in kind; and the amount of dues which are reserved in kind means the value of such dues :

The term “lease” means lease or sett, or license to work, or agreement for a lease or sett, or license to work :

The term “fine” means fine, premium, or foregift, or other payment or consideration in the nature thereof.

Deduction  
of rate by  
tenant of  
mine.

8. Where any poor or other local rate which at the commencement of this Act any lessee, licensee, or grantee of a mine is exempt from being rated to in respect of such mine, becomes payable by him in respect of such mine during the continuance of his lease, grant, or license, or before the arrival of the period at which the amount of the rent, royalty, or dues is liable to revision or re-adjustment, he may (unless he has specifically contracted to pay such rate in the event of the abolition of the said exemption) deduct from any rent, royalty, or dues payable by him one half of any such rate paid by him :

Provided that he shall not deduct any sum exceeding what one half of the rate in the pound of such poor or other local rate would amount to if calculated upon the rent, royalty, or dues so payable by him.

General provision as to deduction of rates.

9. Where any occupier, lessee, licensee, grantee, or other person is authorised by this Act to deduct any rate or sum in respect of a rate from any rent, royalty, or dues payable by him, then—

- (1.) Any payment so authorised to be deducted shall be a good discharge for such amount of rent, royalty, or dues as is equal to the amount of such payment, and shall be allowed accordingly. A.D. 1874.
- 5 (2.) Any payment so authorised to be deducted may be recovered as an ordinary debt from the person to whom the rent, royalty, or dues, may be payable.
- 10 (3.) The person receiving the rent, royalty, or dues shall have the same right of appeal and objection with reference to the rate and to the valuation of the hereditament in respect of which the rate is payable as he would have if he were the occupier of such hereditament.
- 15 10. After the commencement of this Act, the hereditaments to which the Poor Rate Acts are extended by this Act, and which are thus made rateable to the relief of the poor, shall be rateable to all local rates in like manner as if the Poor Rate Acts had always extended to such hereditaments. Liability of property to local rates as well as poor rates.
- 20 11. This Act, for the purpose of enabling any hereditament to be included in or omitted from or valued for the purposes of a valuation list or a supplemental or provisional valuation list which will come into force after the sixth day of April one thousand eight hundred and seventy-five, shall come into operation on the passing thereof; but save as aforesaid, or as is otherwise expressly provided by this Act, shall come into operation on the sixth day of April one thousand eight hundred and seventy-five; and the expression "commencement of this Act" shall in this Act be construed accordingly. Commencement of Act.
- 30 12. The provisions of the sanitary Acts, as defined by the Public Health Act, 1872, with respect to any special assessment of wood lands for the purpose of any rate under those Acts shall be deemed to extend to and include land used for a plantation or a wood, or for the growth of saleable underwood, or for both such purposes. Saving.
- 35 13. Nothing in this Act shall apply to a mine of which the royalty or dues are for the time being wholly reserved in kind, or to the owner or occupier thereof. Saving as to mine where dues payable in kind.
- 40 14. So much of the Act of the forty-third year of the reign of Queen Elizabeth, chapter two, intituled "An Act for the relief of " the poor," as relates to the taxation of an occupier of saleable underwoods is hereby repealed as from the date at which the provisions of this Act with respect to the taxation of occupiers of land used for the growth of saleable underwood come into operation. Repeal of 43 Eliz. c. 2. as to saleable underwood.

A.D 1874. — Provided that this repeal shall not affect anything duly done or suffered before the said date, or any right acquired or liability accrued before the said date, or any legal proceeding or remedy in respect of any such right or liability, and every such legal proceeding or remedy may be carried on and enforced in like manner 5 as if this repeal had not been enacted.

Definitions.  
25 & 26 Vict.  
c. 103. s. 15.

15. In this Act, unless the context otherwise requires,—

The term "gross value," has the same meaning as gross estimated rental in the Union Assessment Committee Act, 1862: 10

The term "local rate" means any county rate, borough rate, highway rate, and other local rate leviable upon property rateable to the relief of the poor :

The term "valuation list" means, as regards any parish or place for which there is no valuation list, the poor rate : 15

The term "assessment committee" means, in relation to any parish or place where there is no assessment committee, the persons having power to make and assess the poor rate in such parish or place.





# Rating.

A

## B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law respecting the  
Liability and Valuation of certain  
Property for the purpose of Rates.

(*Prepared and brought in by  
Mr. Selver-Booth and Mr. Clare Read.*)

*Ordered, by The House of Commons, to be Printed,  
29 June 1874.*

[Bill 180.]

*Under 2 oz.*

# Real Property Limitation Bill. [H.L.]

---

## ARRANGEMENT OF CLAUSES.

---

### Clause.

1. No land or rent to be recovered but within 12 years after the right of action accrued.
2. Provision for case of future estates. Time limited to six years when person entitled to the particular estate out of possession, &c.
3. In cases of infancy, coverture, or lunacy at the time when the right of action accrues, then six years to be allowed from the termination of the disability or previous death.
4. No time to be allowed for absence beyond seas.
5. Thirty years utmost allowance for disabilities.
6. In case of possession under an assurance by a tenant in tail, which shall not bar the remainders, they shall be barred at the end of 12 years after that period, at which the assurance, if then executed, would have barred them.
7. Mortgagor to be barred at end of 12 years from the time when the mortgagee took possession or from the last written acknowledgment.
8. Money charged upon land and legacies to be deemed satisfied at the end of 10 years if no interest paid nor acknowledgment given in writing in the meantime.
9. Act to be read with 3 & 4 W. 4. c. 27., of which certain parts are repealed, and other parts to be read in reference to alteration by this Act. 7 W. 4. & 1 Vict. c. 28. to be read with this Act.
10. Time for recovering charges and arrears of interest not to be enlarged by express trusts for raising same.
11. Short title.
12. Commencement of Act.



## A

## B I L L

## INTITULED

An Act for the further Limitation of Actions and Suits relating to Real Property. A.D. 1874.

**W**HEREAS it is expedient further to limit the times within which actions or suits may be brought for the recovery of land or rent, and of charges thereon :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the commencement of this Act no person shall make an entry or distress, or bring an action or suit, to recover any land or rent, but within twelve years next after the time at which the right to make such entry or distress, or to bring such action or suit, shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims, then within twelve years next after the time at which the right to make such entry or distress, or to bring such action or suit, shall have first accrued to the person making or bringing the same.

No land or rent to be recovered but within 12 years after the right of action accrued.

2. A right to make an entry or distress, or to bring an action or suit to recover any land or rent, shall be deemed to have first accrued, in respect of an estate or interest in reversion or remainder, or other future estate or interest, at the time at which the same shall have become an estate or interest in possession, by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land or rent, or some person through whom he claims, shall at any time previously to the creation of the estate or estates which shall have determined, have been in the possession or receipt of the profits of such land, or in receipt of such rent : But if the person last entitled to any particular estate on which any future estate or interest was expectant shall not have been in the possession or receipt of the

Provision for case of future estates.

Time limited to six years when person entitled to

[Bill 138.]

A 2

A.D. 1874. profits of such land, or in receipt of such rent, at the time when  
 the particu- his interest determined, no such entry or distress shall be made,  
 lar estate out and no such action or suit shall be brought, by any person be-  
 of posses- coming entitled in possession to a future estate or interest, but  
 sion, &c. within twelve years next after the time when the right to make an 5  
 entry or distress, or to bring an action or suit, for the recovery of  
 such land or rent, shall have first accrued to the person whose  
 interest shall have so determined, or within six years next after the  
 time when the estate of the person becoming entitled in possession  
 shall have become vested in possession, whichever of those two 10  
 periods shall be the longer; and if the right of any such person to  
 make such entry or distress, or to bring any such action or suit, shall  
 have been barred under this Act, no person afterwards claiming to  
 be entitled to the same land or rent in respect of any subsequent  
 estate or interest under any deed, will, or settlement, executed or 15  
 taking effect after the time when a right to make an entry or dis-  
 tress, or to bring an action or suit, for the recovery of such land or  
 rent, shall have first accrued to the owner of the particular estate  
 whose interest shall have so determined as aforesaid, shall make  
 any such entry or distress, or bring any such action or suit, to 20  
 recover such land or rent.

In cases of 3. If at the time at which the right of any person to make an  
 infancy, entry or distress, or to bring an action or suit, to recover any land  
 coverture, or rent, shall have first accrued as aforesaid, such person shall have  
 or lunacy been under any of the disabilities herein-after mentioned, (that is 25  
 at the time to say,) infancy, coverture, idiocy, lunacy, or unsoundness of mind,  
 when the then such person, or the person claiming through him, may, not-  
 right of ac- withstanding the period of twelve years, or six years, (as the case  
 tion accrues, may be,) herein-before limited shall have expired, make an entry or  
 then six distress, or bring an action or suit, to recover such land or rent, at 30  
 years to be any time within six years next after the time at which the person  
 allowed from to whom such right shall first have accrued shall have ceased to be  
 the termina- under any such disability, or shall have died (whichever of those  
 tion of the two events shall have first happened).

No time to 4. The time within which any such entry may be made, or any 35  
 be allowed such action or suit may be brought as aforesaid, shall not in any  
 for absence case after the commencement of this Act be extended or enlarged by  
 beyond seas. reason of the absence beyond seas during all or any part of that time  
 of the person having the right to make such entry, or to bring such  
 action or suit, or of any person through whom he claims. 40

Thirty years 5. No entry, distress, action, or suit shall be made or brought by  
 utmost al- any person who at the time at which his right to make any entry or

distress, or to bring an action or suit to recover any land or rent, shall have first accrued, shall be under any of the disabilities herein-before mentioned, or by any person claiming through him, but within thirty years next after the time at which such right shall have first  
 5 accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such thirty years, or although the term of six years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

A.D. 1874.  
 allowance for  
 disabilities.

- 10 6. When a tenant in tail of any land or rent shall have made an assurance thereof which shall not operate to bar the estate or estates to take effect after or in defeasance of his estate tail, and any person shall by virtue of such assurance at the time of the execution thereof, or at any time afterwards, be in possession or receipt of the  
 15 profits of such land, or in the receipt of such rent, and the same person or any other person whosoever (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeasance of the estate tail) shall continue or be in such possession or receipt for the period of  
 20 twelve years next after the commencement of the time at which such assurance, if it had then been executed by such tenant in tail, or the person who would have been entitled to his estate tail if such assurance had not been executed, would, without the consent of any other person, have operated to bar such estate or estates as  
 25 aforesaid, then, at the expiration of such period of twelve years, such assurance shall be and be deemed to have been effectual as against any person claiming any estate, interest, or right to take effect after or in defeasance of such estate tail.

In case of  
 possession  
 under an  
 assurance by  
 a tenant in  
 tail, which  
 shall not bar  
 the remain-  
 ders, they  
 shall be  
 barred at the  
 end of 12  
 years after  
 that period,  
 at which the  
 assurance, if  
 then exe-  
 cuted, would  
 have barred  
 them.

7. When a mortgagee shall have obtained the possession or  
 30 receipt of the profits of any land or the receipt of any rent comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring any action or suit to redeem the mortgage but within twelve years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an  
 35 acknowledgment in writing of the title of the mortgagor, or of his right to redemption, shall have been given to the mortgagor or some person claiming his estate, or to the agent of such mortgagor or person, signed by the mortgagee or the person claiming through him; and in such case no such action or suit shall be brought but within twelve  
 40 years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given; and when there shall be more than one mortgagor, or more than one person

Mortgagor  
 to be barred  
 at end of 12  
 years from  
 the time  
 when the  
 mortgagee  
 took posses-  
 sion or from  
 the last writ-  
 ten acknow-  
 ledgment.

A.D. 1874. claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee, or more than one person claiming the estate or interest 5 of the mortgagee or mortgagees, such acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons 10 entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the 15 money or land or rent; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage money, the mortgagor or mortgagors 20 shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in 25 the mortgage.

Money charged upon land and legacies to be deemed satisfied at the end of 10 years if no interest paid nor acknowledgment given in writing in the meantime.

8. No action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twelve years next after 30 a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of the principal money, or some interest thereon, shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the 35 person by whom the same shall be payable, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit or proceeding shall be brought but within twelve years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one, was given. 40

Act to be read with 3 & 4 W. 4. c. 27., of

9. From and after the commencement of this Act all the provisions of the Act passed in the session of the third and fourth years of the reign of His late Majesty King William the Fourth,

chapter twenty-seven, except those contained in the several sections thereof next herein-after mentioned, shall remain in full force, and shall be construed together with this Act, and shall take effect as if the provisions herein-before contained were substituted in such

5 Act for the provisions contained in the sections thereof numbered two, five, sixteen, seventeen, twenty-three, twenty-eight, and forty respectively (which several sections, from and after the commencement of this Act, shall be repealed), and as if the term of six years had been mentioned, instead of the term of ten years, in the section

10 of the said Act numbered eighteen, and the period of twelve years had been mentioned in the said section eighteen instead of the period of twenty years; and the provisions of the Act passed in the session of the seventh year of the reign of His late Majesty King William the Fourth, and the first year of the reign of Her present

15 Majesty, chapter twenty-eight, shall remain in full force, and be construed together with this Act, as if the period of twelve years had been therein mentioned instead of the period of twenty years.

A.D. 1874.  
—  
which certain parts are repealed, and other parts to be read in reference to alteration by this Act.

7 W. 4. &  
1 Vict. c. 28.  
to be read with this Act.

10. After the commencement of this Act no action, suit, or other proceeding shall be brought to recover any sum of money or legacy

20 charged upon or payable out of any land or rent, at law or in equity, and secured by an express trust, or to recover any arrears of rent or of interest in respect of any sum of money or legacy so charged or payable and so secured, or any damages in respect of such arrears, except within the time within which the same would be

25 recoverable if there were not any such trust.

Time for recovering charges and arrears of interest not to be enlarged by express trusts for raising same.

11. This Act may be cited as the “Real Property Limitation Act, 1874.”

Short title.

12. This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-nine.

Commencement of Act.



**Real Property  
Limitation. [H.L.]**

---

A

**B I L L**

INTITLED

An Act for the further Limitation of  
Actions and Suits relating to Real  
Property.

(*Brought from the Lords 2 June 1874.*)

---

---

*Ordered, by The House of Commons, to be printed,  
5 June 1874.*

---

---

[Bill 138.]  
*Under 1 oz.*

# Real Property Vendors and Purchasers Bill.

[H.L.]

---

## ARRANGEMENT OF CLAUSES.

---

### Clause.

1. Forty years substituted for sixty years as the root of title.
2. Subject to express stipulation, the following rules to apply between vendor and purchaser :
  - First. Freehold title not to be furnished on the granting or assignment of a lease.
  - Second. Purchaser not to call for title to minerals in case of a title registered under The Land Transfer Act, 1874.
  - Third. Recitals of facts, &c. in deeds, &c. twenty years old to be sufficient evidence.
  - Fourth. Inability of vendor to furnish legal covenant for production not an objection if purchaser will have an equitable right to production.
  - Fifth. Purchaser to pay his own costs of covenants for production.
  - Sixth. Vendor retaining any part of the estate to retain the title deeds.
3. Trustees may sell or buy notwithstanding the rules above enacted.
4. Legal personal representative may convey legal estate of mortgaged property.
5. Bare legal estate in fee simple to vest in executor or administrator for the time being. This provision not to apply where there is a registered proprietor.
6. Married woman who is a bare trustee may convey or surrender as if she were a feme sole.
7. Protection and priority by legal estates and tacking not to be allowed.
8. Non-registration of will in Middlesex, &c. cured in certain cases.
9. Vendor or purchaser may obtain decision of judge in chambers as to requisitions or objections, or compensation, &c.
10. Extent of Act.



A  
B I L L

INTITULED

An Act to amend the Law of Vendor and Purchaser, and further to simplify Title to Land. A.D. 1874.

**W**HEREAS it is expedient to facilitate the transfer of land by means of certain amendments in the law of vendor and purchaser :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In the completion of any contract of sale of land made after the thirty-first day of December one thousand eight hundred and seventy-four, and subject to any stipulation to the contrary in the contract, forty years shall be substituted as the period of commencement of title which a purchaser may require in place of sixty years, the present period of such commencement; nevertheless earlier title than forty years may be required in cases similar to those in which earlier title than sixty years may now be required.

Forty years substituted for 60 years as the root of title.

2. In the completion of any such contract as aforesaid, and subject to any stipulation to the contrary in the contract, the obligations and rights of vendor and purchaser shall be regulated by the following rules ; that is to say,

Subject to express stipulation, the following rules to apply between vendor and purchaser :

First. Under a contract to grant or assign a term of years, whether derived or to be derived out of a freehold or leasehold estate, the intended lessee or assign shall not be entitled to call for the title to the freehold.

First. Freehold title not to be furnished on the granting or assignment of a lease.

Second. When a vendor's title is a title registered under "The Land Titles and Transfer Act, 1874," and the register does not include all the minerals, the purchaser shall not be entitled to call for the title to the minerals, or to the minerals not included in the register, as the case may be.

Second. Purchaser not to call for title to minerals in case of a title registered under The Land Transfer Act, 1874.

Third. Recitals, statements, and descriptions of facts, matters, and parties contained in deeds, instruments, Acts of Parliament, or [Bill 137.]

Third. Recitals of facts, &c. in deeds,

A.D. 1874.

&c. 20 years old to be sufficient evidence.

Fourth. Inability of vendor to furnish legal covenant for production not an objection if purchaser will have an equitable right to production.

Fifth. Purchaser to pay his own costs of covenants for production.

Sixth. Vendor retaining any part of the estate to retain the title deeds.

Trustees may sell or buy notwithstanding the rules above enacted.

Legal personal representative may convey legal estate of mortgaged property.

Bare legal estate in fee simple to vest in executor or administrator for the time being. This provision not to apply where there is a registered proprietor.

Married woman who is a bare trustee may convey or surrender as if she were a feme sole.

Protection and priority by legal estates and tacking not to be allowed.

statutory declarations, twenty years old at the date of the contract, shall, unless and except so far as they shall be proved to be inaccurate, be taken to be sufficient evidence of the truth of such facts, matters, and descriptions.

Fourth. The inability of the vendor to furnish the purchaser with a legal covenant to produce and furnish copies of documents of title shall not be an objection to title in case the purchaser will, on the completion of the contract, have an equitable right to the production of such documents.

Fifth. Such covenants for production as the purchaser can and shall require shall be furnished at his expense, and the vendor shall bear the expense of perusal and execution on behalf of and by himself, and on behalf of and by necessary parties other than the purchaser.

Sixth. Where the vendor retains any part of an estate to which any documents of title relate he shall be entitled to retain such documents.

3. Trustees who are either vendors or purchasers may sell or buy without excluding the application of the second section of this Act.

4. The legal personal representative of a mortgagee of a freehold estate, or of a copyhold estate to which the mortgagee shall have been admitted, may, on payment of all sums secured by the mortgage, convey or surrender the mortgaged estate, whether the mortgage be in form an assurance subject to redemption, or an assurance upon trust.

25

5. Upon the death of a bare trustee of any corporeal or incorporeal hereditament of which such trustee was seised in fee simple, such hereditament shall vest like a chattel real in the legal personal representative from time to time of such trustee. This provision shall not extend to any hereditament the title to which shall have been registered under The Land Titles and Transfer Act, 1874.

30

6. When any freehold or copyhold hereditament shall be vested in a married woman as a bare trustee, she may convey or surrender the same as if she were a feme sole.

35

7. After the commencement of this Act, no priority or protection shall be given or allowed to any estate, right, or interest in land by reason of such estate, right, or interest being protected by or tacked to any legal or other estate or interest in such land; and full effect shall be given in every Court to this provision, although the person claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without

40

notice: Provided always, that this section shall not take away from any estate, right, title, or interest any priority or protection which but for this section would have been given or allowed thereto as against any estate or interest existing before the commencement of  
5 this Act.

A.D. 1874.

8. Where the will of a testator devising land in Middlesex or Yorkshire has not been registered within the period allowed by law in that behalf, an assurance of such land to a purchaser or mortgagee by the devisee or by some one deriving title under him  
10 shall, if registered before, take precedence of and prevail over any assurance from the testator's heir-at-law.

Non-registration of will in Middlesex, &c. cured in certain cases.

9. A vendor or purchaser of real or leasehold estate in England or their representatives respectively may (subject to any rules of court to be made under the authority of the herein-after mentioned  
15 Act) at any time or times and from time to time apply in a summary way to a judge of the Chancery Division of the High Court constituted by the "Supreme Court of Judicature Act, 1873," in chambers in respect of any requisitions or objections, or any claim for compensation, or any other question arising out of or  
20 connected with the contract, (not being a question affecting the existence or validity of the contract,) and the judge shall make such order upon the application as to him shall appear just, and shall order how and by whom all or any of the costs of and incident to the application shall be borne and paid, such order  
25 being subject to be set aside or discharged as provided by the fiftieth section of that Act.

Vendor or purchaser may obtain decision of judge in chambers as to requisitions or objections, or compensation, &c.

A vendor or purchaser of real or leasehold estate in Ireland, or their representatives respectively, may in like manner and for the same purpose apply to a judge of the Chancery Division of the  
30 High Court of Ireland, constituted by the Supreme Court of Judicature (Ireland) Act, 1874; and the judge shall thereupon make such order as herein-before mentioned, such order being subject to be set aside or discharged as provided by that Act.

10. This Act shall not apply to Scotland, and may be cited as  
35 the Vendor and Purchaser Act, 1874.

Extent of Act.

**Real Property Vendors  
and Purchasers. [H.L.]**

---

**A**

**B I L L**

**INTITLED**

**An Act to amend the Law of Vendor  
and Purchaser, and further to simplify  
Title to Land.**

*(Brought from the Lords 2 June 1874.)*

---

---

*Ordered, by The House of Commons, to be printed,  
5 June 1874.*

---

---

[Bill 137.]  
*Under 1 oz.*

# Real Property Vendors and Purchasers Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

### Clause.

1. Forty years substituted for sixty years as the root of title.
2. Subject to express stipulation, the following rules to apply between vendor and purchaser :
  - First. Freehold title not to be furnished on the granting or assignment of a lease.
  - Second. Recitals of facts, &c. in deeds; &c. twenty years old to be sufficient evidence.
  - Third. Inability of vendor to furnish legal covenant for production not an objection if purchaser will have an equitable right to production.
  - Fourth. Purchaser to pay his own costs of covenants for production.
  - Fifth. Vendor retaining any part of the estate to retain the title deeds.
3. Trustees may sell or buy notwithstanding the rules above enacted.
4. Legal personal representative may convey legal estate of mortgaged property.
5. Bare legal estate in fee simple to vest in executor or administrator for the time being.
6. Married woman who is a bare trustee may convey or surrender as if she were a feme sole.
7. Protection and priority by legal estates and tacking not to be allowed.
8. Non-registration of will in Middlesex, &c. cured in certain cases.
9. Vendor or purchaser may obtain decision of judge in chambers as to requisitions or objections, or compensation, &c.
10. Extent of Act.





A  
B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law of Vendor and Purchaser, and  
further to simplify Title to Land.

A.D. 1874.

**W**HEREAS it is expedient to facilitate the transfer of land by means of certain amendments in the law of vendor and purchaser :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In the completion of any contract of sale of land made after the thirty-first day of December one thousand eight hundred and seventy-four, and subject to any stipulation to the contrary in the contract, forty years shall be substituted as the period of commencement of title which a purchaser may require in place of sixty years, the present period of such commencement; nevertheless earlier title than forty years may be required in cases similar to those in which earlier title than sixty years may now be required.

Forty years substituted for 60 years as the root of title.

2. In the completion of any such contract as aforesaid, and subject to any stipulation to the contrary in the contract, the obligations and rights of vendor and purchaser shall be regulated by the following rules; that is to say,

Subject to express stipulation, the following rules to apply between vendor and purchaser :

20 First. Under a contract to grant or assign a term of years, whether derived or to be derived out of a freehold or leasehold estate, the intended lessee or assign shall not be entitled to call for the title to the freehold.

First. Freehold title not to be furnished on the granting or assignment of a lease.

25 Second. Recitals, statements, and descriptions of facts, matters, and parties contained in deeds, instruments, Acts of Parliament, or statutory declarations, twenty years old at the date of the contract, shall, unless and except so far as they shall be proved to be inaccurate, be taken to be sufficient evidence of the truth of such facts, matters, and descriptions.

Second. Recitals of facts, &c. in deeds, &c. 20 years old to be sufficient evidence.

[Bill 233.]

Third. Inability of vendor to furnish legal covenant for production not an objection if purchaser will have an equitable right to production.

Fourth. Purchaser to pay his own costs of covenants for production.

Fifth. Vendor retaining any part of the estate to retain the title deeds.

Trustees may sell or buy notwithstanding the rules above enacted.

Legal personal representative may convey legal estate of mortgaged property.

Bare legal estate in fee simple to vest in executor or administrator for the time being.

Married woman who is a bare trustee may convey or surrender as if she were a feme sole.

Protection and priority by legal estates and tacking not to be allowed.

Third. The inability of the vendor to furnish the purchaser with a legal covenant to produce and furnish copies of documents of title shall not be an objection to title in case the purchaser will, on the completion of the contract, have an equitable right to the production of such documents. 5

Fourth. Such covenants for production as the purchaser can and shall require shall be furnished at his expense, and the vendor shall bear the expense of perusal and execution on behalf of and by himself, and on behalf of and by necessary parties other than the purchaser. 10

Fifth. Where the vendor retains any part of an estate to which any documents of title relate he shall be entitled to retain such documents.

3. Trustees who are either vendors or purchasers may sell or buy without excluding the application of the second section of this Act. 15

4. The legal personal representative of a mortgagee of a freehold estate, or of a copyhold estate to which the mortgagee shall have been admitted, may, on payment of all sums secured by the mortgage, convey or surrender the mortgaged estate, whether the mortgage be in form an assurance subject to redemption, or an assurance upon trust. 20

5. Upon the death of a bare trustee of any corporeal or incorporeal hereditament of which such trustee was seised in fee simple, such hereditament shall vest like a chattel real in the legal personal representative from time to time of such trustee. 25

6. When any freehold or copyhold hereditament shall be vested in a married woman as a bare trustee, she may convey or surrender the same as if she were a feme sole.

7. After the commencement of this Act, no priority or protection shall be given or allowed to any estate, right, or interest in land by reason of such estate, right, or interest being protected by or tacked to any legal or other estate or interest in such land; and full effect shall be given in every Court to this provision, although the person claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice: Provided always, that this section shall not take away from any estate, right, title, or interest any priority or protection which but for this section would have been given or allowed thereto as against any estate or interest existing before the commencement of this Act. 30 35 40

8. Where the will of a testator devising land in Middlesex or Yorkshire has not been registered within the period allowed by law in that behalf, an assurance of such land to a purchaser or mortgagee by the devisee or by some one deriving title under him shall, if registered before, take precedence of and prevail over any assurance from the testator's heir-at-law.

A.D. 1874.

Non-registration of will in Middlesex, &c. cured in certain cases.

9. A vendor or purchaser of real or leasehold estate in England or their representatives respectively may at any time or times and from time to time apply in a summary way to a judge of the Court of Chancery in England in chambers, in respect of any requisitions or objections, or any claim for compensation, or any other question arising out of or connected with the contract, (not being a question affecting the existence or validity of the contract,) and the judge shall make such order upon the application as to him shall appear just, and shall order how and by whom all or any of the costs of and incident to the application shall be borne and paid.

Vendor or purchaser may obtain decision of judge in chambers as to requisitions or objections, or compensation, &c.

A vendor or purchaser of real or leasehold estate in Ireland, or their representatives respectively, may in like manner and for the same purpose apply to a judge of the Court of Chancery in Ireland, and the judge shall make such order upon the application as to him shall appear just, and shall order how and by whom all or any of the costs of and incident to the application shall be borne and paid.

10. This Act shall not apply to Scotland, and may be cited as the Vendor and Purchaser Act, 1874.

Extent of Act.

**Real Property Vendors  
and Purchasers. [H.L.]**

---

A

**B I L L**

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the Law of Vendor  
and Purchaser, and further to simplify  
Title to Land.

(*Brought from the Lords 2 June 1874.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
27 July 1874.*

---

---

[Bill 233.]

*Under 1 oz.*

A  
B I L L

FOR

Amending the Law relating to Regimental Exchanges.

A.D. 1874.

**W**HEREAS it is expedient to amend the law relating to exchanges by officers in Her Majesty's Regular Forces from one regiment or corps to another regiment or corps :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Regimental Exchange Act, 1874." Short title of Act.

10 2. Her Majesty may, from time to time, by regulation authorise exchanges to be made by officers in Her Majesty's Regular Forces from one regiment or corps to another regiment or corps, on such conditions as to Her Majesty may for the time being seem expedient ; and nothing contained in the Army Brokerage Acts shall  
15 extend to any exchanges made in manner authorised by any regulation of Her Majesty for the time being in force. Authorised exchanges exempted from Army Brokerage Acts.

3. "The Army Brokerage Acts" means the Acts following : Definition of Army Brokerage Acts.  
The Act of the session of the fifth and sixth years of the reign of King Edward the Sixth chapter sixteen, intituled "An Act  
20 against buying and selling of Offices ;" and

The Act of the forty-ninth year of King George the Third, chapter one hundred and twenty-six, intituled "An Act for the further prevention of the Sale and Brokerage of Officers."

[Bill 221.]







# **Regimental Exchanges.**

---

A

## **B I L L**

For amending the Law relating to  
Regimental Exchanges.

(*Prepared and brought in by*  
*Mr. Secretary Hardy, Mr. William Henry*  
*Smith, and Mr. Stanley.*)

---

---

*Ordered, by The House of Commons, to be Printed,*  
*22 July 1874.*

---

[Bill 221.]

*Under 1 oz.*

# Registration of Births and Deaths Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

Clause.

### *Registration of Births.*

1. Giving of information concerning birth to registrar within forty-two days.
2. Requisition by registrar of information concerning birth from qualified informant after forty-two days.
3. Information respecting finding new-born child to be given to registrar.
4. Duty of registrar to ascertain and register birth gratis.
5. Registry after expiration of three months from birth.
6. Registry of birth out of the sub-district in case of removal.
7. Saving for father of illegitimate child.
8. Registration of name of child or of alteration of name.

### *Registration of Deaths.*

9. Registry of death and cause of death.
10. Information concerning death where deceased dies in a house.
11. Information concerning death where deceased dies not in a house.
12. Notice preliminary to information.
13. Requisition by registrar of information concerning death from qualified informant.
14. Duty of registrar to register death gratis.
15. Death not to be registered after twelve months.
16. Furnishing of information by coroner.

### *Burials.*

17. Coroner's order and registrar's certificate for burial.
18. Burial of deceased children as still-born.

### *Certificates of Cause of Death.*

19. Regulations as to certificates of cause of death.

[Bill 224.]

a

## Clause.

*Superintendent Registrars and Registrars.*

20. Alteration of registrars districts.
21. Extension of 7 Will. 4. & 1 Vict. c. 22. s. 19. to all unions.
22. Prosecution by superintendent registrar.
23. Appointment of deputy by superintendent registrar and registrar.
24. Interim registrars.
25. Residence, office, and station of registrar and deputy registrar in sub-district.
26. Fees of superintendent registrars and registrars.
27. Returns of registrar to sanitary authorities.
28. Certificates of birth for purposes of school boards and of public elementary schools.
29. Certificate of birth having been registered.
30. Remuneration of registrars.
31. Supply of forms and making of indexes.
32. Providing of register offices and fire-proof repositories.
33. Each of united unions to contribute to expense of registration office.
34. Penalty for omission to register or loss of registers.

*Correction of Errors.*

35. Correction of errors in registers.

*Registration of Births and Deaths at Sea.*

36. Registration of births and deaths at sea.

*Miscellaneous.*

37. Register when not evidence.
38. Penalty for not giving information, complying with requisition, &c.
39. Penalty for false statements, &c.
40. Sending certificates, &c. by post.
41. Explanation of 6 & 7 W. 4. c. 86. s. 37.
42. Use of forms.
43. Power of Local Government Board and Registrar General to alter forms in schedules under 6 & 7 W. 4. c. 86., and make regulations.
44. Recovery of penalties.

Clause.

- 46. Particulars required to be registered concerning birth or death.
- 47. Interpretation.
- 48. Definition of registrar and superintendent registrar.
- 49. Commencement.
- 50. Extent of Act.
- 51. Construction of Act with 6 & 7 W. 4. c. 86. and 7 W. 4. & 1 Vict. c. 22., and 21 & 22 Vict. c. 25., and short title.
- 52. Short title.

*Repeal.*

- 53. Repeal of Acts in schedule.

SCHEDULES.



A  
B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Registration of Births and Deaths in England, and to consolidate the Law respecting the Registration of Births and Deaths at Sea. A.D. 1874.

**W**HEREAS it is expedient to amend the Acts relating to the registration of births and deaths in England, and to consolidate the law respecting the registration of births and deaths at sea :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Registration of Births.*

- 10 1. In the case of every child born alive after the commencement of this Act, it shall be the duty of the father and mother of the child, and in default of the father and mother, of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to give to the registrar, within forty-two days next after such birth, information of the particulars required to be registered concerning such birth, and in the presence of the registrar to sign the register.
- 15 2. Where a birth has, from the default of the parents or other persons required to give information concerning it, not been duly registered, the registrar may, at any time after the end of forty-two days, by notice in writing, require any of the persons required by this Act to give information concerning such birth to attend personally at the registrar's office, or at any other place appointed by the registrar within his sub-district, within such time (not less than seven days after the receipt of such notice, and not more than three months from the date of the birth), as may be specified in such notice, and to give information to the best of such person's knowledge and belief, of the particulars required to be

Giving of information concerning birth to registrar within forty-two days.  
See 6 & 7 W. 4. c. 86. s. 19. 26 Vict. c. 11. s. 31.  
17 & 18 Vict. c. 80. s. 27.  
Requisition by registrar of information concerning birth from qualified informant after forty-two days.  
See 6 & 7 W. 4. c. 86. s. 20.

[Bill 224.]

A

A.D. 1874. registered concerning such birth, and to sign the register in the  
 26 Vict. presence of the registrar; and it shall be the duty of such person,  
 c. 11. s. 31. unless the birth is registered before the expiration of the time  
 17 & 18 Vict. specified in such requisition, to comply with such requisition.  
 c. 80. s. 27.

Information  
 respecting  
 finding new-  
 born child to  
 be given to  
 registrar.

See

6 & 7 W. 4.  
 c. 86. s. 19.  
 17 & 18 Vict.  
 c. 80. s. 29.

Duty of  
 registrar to  
 ascertain  
 and register  
 birth gratis.  
 6 & 7 W. 4.  
 c. 86. s. 18.

3. In case any living new-born child is found exposed, it shall 5  
 be the duty of any person finding such child, and of any person in  
 whose charge such child may be placed, to give, to the best of his  
 knowledge and belief, to the registrar, within seven days after the  
 finding of such child, such information of the particulars required  
 to be registered concerning the birth of such child as the informant 10  
 possesses, and in the presence of the registrar to sign the register.

4. It shall be the duty of the registrar to inform himself carefully  
 of every birth which happens within his sub-district, and upon  
 receiving personally from the informant at any time within three  
 months from the date of the birth of any child or the finding of 15  
 any living new-born child information of the particulars required  
 to be registered concerning the birth of such child, forthwith in  
 the prescribed form and manner to register the birth and the said  
 particulars (if not previously registered), without fee or reward  
 from the informant, except that if, in pursuance of a written 20  
 requisition, he registers the same at the residence of the person  
 making such requisition or at the house in which the birth took  
 place he shall, unless the birth took place in a public institution,  
 be entitled to the appointed fee.

Registry  
 after expira-  
 tion of three  
 months from  
 birth.

See

6 & 7 W. 4.  
 c. 86. ss. 22  
 and 23.  
 17 & 18 Vict.  
 c. 80. s. 31.  
 26 Vict.  
 c. 11. s. 32.

5. After the expiration of three months next after the birth of 25  
 any child, a registrar shall not register such birth, except as in this  
 section provided; that is to say, in case the birth of any child has  
 not been registered in accordance with the Births and Deaths  
 Registration Acts, 1836 to 1874, the registrar may, after three  
 and not later than twelve months next after the birth, by notice 30  
 in writing, require any of the persons required by this Act to give  
 information concerning the birth to attend personally at the  
 district register office, within such time (not less than seven days  
 after the receipt of the notice, and not more than twelve months  
 after the date of the birth) as may be specified in the notice, and 35  
 make before the superintendent registrar a solemn declaration  
 according to the best of the declarant's knowledge and belief of  
 the particulars required to be registered concerning the birth, and  
 sign the register in the presence of the registrar and superintendent  
 registrar; and upon any of the said persons attending before a 40  
 registrar and superintendent registrar, whether in pursuance of a  
 requisition or not, and making such a declaration as aforesaid, and  
 giving information concerning the birth, the registrar shall then and

there, in the presence of such superintendent registrar, register the birth according to the information of the declarant, and the superintendent registrar before whom the declaration is made shall, as well as the registrar and declarant, sign the entry of the birth.

A.D. 1874.

- 5 After the expiration of twelve months next after the birth of any child, that birth shall not be registered except with the written authority of the Registrar General for registering the same, and except in accordance with the prescribed rules, and the fact of such authority having been given shall be entered in the register.
- 10 Every person who registers or causes to be registered the birth of any child in contravention of this section shall be liable to a penalty not exceeding ten pounds.

6. Any person required by this Act to give information concerning a birth, who removes before such birth is registered out of the sub-district in which such birth has taken place, may, within three months after such birth, give the information by making and signing in the presence of the registrar of the sub-district in which he resides a declaration in writing of the particulars required to be registered concerning such birth; and such registrar on payment of the appointed fee shall receive and attest the declaration and send the same to the registrar of the sub-district in which the birth took place; and the last-mentioned registrar shall, in the prescribed manner, enter the birth in the register; and the entry so made shall be deemed, for the purposes of the Births and Deaths Registration Acts, 1836 to 1874, to have been signed by the person who signed the declaration.

Registry of birth out of the sub-district in case of removal.

- A person making a declaration in pursuance of this section in the case of any birth shall be deemed to have complied with the provisions of this Act as to giving information concerning that birth, and with any requisition of the registrar made under this Act within the said three months to attend and give information concerning that birth.

7. In the case of an illegitimate child no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register, together with the mother.

Saving for father of illegitimate child.  
See 17 & 18 Vict. c. 80. s. 35.

8. When the birth of any child has been registered and the name, if any, by which it was registered is altered, or if it was registered without a name, when a name is given to it, the parent or guardian of such child, or other person, procuring such

Registration of name of child or of alteration of name.



A.D. 1874. name to be altered or given, may, within twelve months next after  
 the registration of the birth, deliver to the registrar or superin-  
 See ——— . tendent registrar such certificate as herein-after mentioned, and the  
 6 & 7 W. 4. registrar or superintendent registrar, upon the receipt of that certifi-  
 c. 86. s. 24. cate, and on payment of the appointed fee, shall, without any 5  
 17 & 18 Vict. erasure of the original entry, forthwith enter in the register-book the  
 c. 80. s. 33. name mentioned in the certificate as having been given to the child,  
 26 & 27 Vict. and having stated upon the certificate the fact of such entry having  
 c. 11. ss. 34. been made, shall forthwith send the certificate to the Registrar  
 35. General, together with a certified copy of the entry of the birth 10  
 with the name so added.

The certificate shall be in the form given in the first schedule  
 to this Act, or as near thereto as circumstances admit, and shall be  
 signed by the minister or person who performed the rite of baptism  
 upon which the name was given or altered, or, if the child is not 15  
 baptized, shall be signed by the father, mother, or guardian of the  
 child, or other person procuring the name of the child to be given  
 or altered.

Every minister or person who performs the rite of baptism shall  
 deliver the certificate required by this section on demand, on pay- 20  
 ment of a fee not exceeding *one shilling*.

The provisions of this section shall apply with the prescribed  
 modifications in the case of births at sea, of which a return is sent  
 to the Registrar General of Births and Deaths in England.

#### Registration of Deaths.

25

Registry of  
 death and  
 cause of  
 death.

9. The death of every person dying in England after the com-  
 mencement of this Act, and the cause of such death, shall be regis-  
 tered by the registrar in the manner directed by the Births and  
 Deaths Registration Acts, 1836 to 1874.

Information  
 concerning  
 death where  
 deceased dies  
 in a house.  
 See  
 6 & 7 W. 4.  
 c. 86. ss. 19  
 and 25.  
 17 & 18 Vict.  
 c. 80. s. 38.  
 26 & 27 Vict.  
 c. 11. s. 36.

10. When a person dies in a house after the commencement of 30  
 this Act, it shall be the duty of the nearest relatives of the  
 deceased present at the death, or in attendance during the last  
 illness of the deceased, and in default of such relatives, of every  
 other relative of the deceased dwelling or being in the same  
 sub-district as the deceased, and in default of such relatives, of 35  
 each person present at the death, and of the occupier of the  
 house in which, to his knowledge, the death took place, and in  
 default of the persons herein-before in this section mentioned, of  
 each inmate of such house, and of the person causing the body  
 of the deceased person to be buried, to give, to the best of his 40  
 knowledge and belief, to the registrar, within the five days next  
 following the day of such death, information of the particulars  
 required to be registered concerning such death, and in the presence  
 of the registrar to sign the register.

11. Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death, and in default of such relative, of every person present at the death, and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried, to give to the registrar, within the five days next after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the registrar to sign the register.

A.D. 1874.  
Information concerning death where deceased dies not in a house.  
Compare 6 & 7 W. 4. c. 86. s. 19.  
See 17 & 18 Vict. c. 80. s. 39. 26 & 27 Vict. c. 11. s. 37.  
Notice preliminary to information.

12. If a person required to give information concerning any death sends to the registrar a written notice of the occurrence of the death, accompanied by such medical certificate of the cause of the death, as is required by this Act to be delivered to a registrar, the information of the particulars required by the Births and Deaths Registration Acts, 1836 to 1874, to be registered concerning the death need not be given within the said five days, but shall, notwithstanding such notice, be given within fourteen days next after the day of the death by the person giving such notice, or some other person required by this Act to give the information.

13. Where any death has from the default of the persons required to give information concerning it not been registered, the registrar may, at any time after the expiration of fourteen days and within twelve months from the day of such death or the finding of the dead body elsewhere than in a house, by notice in writing, require any person required by this Act to give information concerning such death to attend personally at the registrar's office, or at any other place appointed by the registrar within his sub-district, within such time (not less than seven days after the receipt of the notice, nor more than twelve months after the death or finding of the dead body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the register in the presence of the registrar; and it shall be the duty of such person, unless the death is registered before the expiration of the time specified in the requisition, to comply with the requisition.

Requisition by registrar of information concerning death from qualified informant.  
17 & 18 Vict. c. 80. s. 45.

14. It shall be the duty of the registrar to inform himself carefully of every death which happens within his sub-district, and upon receiving personally from the informant at any time within twelve months after the date of any death, or of the finding of any dead body, information of the particulars required to be registered concerning the death from any person required by this Act to give the same, forthwith in the prescribed form and manner to register

Duty of registrar to register death gratis.

A.D. 1874. the death and the said particulars, (if not previously registered) without fee or reward from the informant, except that if, in pursuance of a written requisition, he registers the same at the residence of the person making such requisition, or at the house where the deceased died, he shall, unless the death took place in a public institution, be entitled to the appointed fee. 5

Death not to be registered after twelve months.

15. After the expiration of twelve months next after any death, or the finding of any dead body elsewhere than in a house that death shall not be registered, except with the written authority of the Registrar General for registering the same, and except in accordance with the prescribed rules, and the fact of such authority having been given shall be entered in the register. 10

Every person who registers or causes to be registered any death in contravention of this section shall be liable to a penalty not exceeding ten pounds. 15

Furnishing of information by coroner.

See 6 & 7 W. 4. c. 86. s. 25. 21 & 22 Vict. c. 25. s. 5.

16. Where an inquest is held on any dead body the jury shall inquire of the particulars required to be registered concerning the death, and the coroner shall send to the registrar, within five days after the finding of the jury is given, a certificate under his hand, giving information concerning the death and specifying the finding of the jury with respect to the said particulars, and to the cause of death, and specifying the time and place at which the inquest was held, and the registrar shall in the prescribed form and manner enter the death and particulars. 20

Where an inquest is held on any dead body no person shall, with respect to such dead body or death, be liable to attend upon a requisition of a registrar, or be subject to any penalty for failing to give information in pursuance of any other provision of this Act 25

#### *Burials.*

Coroner's order and registrar's certificate for burial.

See 6 & 7 W. 4. c. 86. s. 27.

17. A coroner, upon holding an inquest upon any body, may, if he thinks fit, by order under his hand authorise the body to be buried before registry of the death, and shall give such order to the relative of the deceased or other person who causes the body to be buried, or to the undertaker or other person having charge of the funeral; and, except upon holding an inquest, no order, warrant, or other document for the burial of any body shall be given by the coroner. 30

The registrar, upon registering any death or upon receiving a written requisition to attend at a house to register a death, or upon receiving written notice of the occurrence of a death, accompanied by a medical certificate as before provided by this Act, shall forthwith, or as soon after as he is required, give without fee or reward either to the person giving information concerning the death or send- 40

ing the requisition or notice, or to the undertaker or other person having charge of the funeral of the deceased, a certificate under his hand that he has registered or received notice of the death, as the case may be. A.D. 1874.

- 5 Every such order of the coroner and certificate of the registrar shall be delivered to the person who buries or performs any funeral or religious service for the burial of the body of the deceased ; and any person to whom such order or certificate was given by the coroner or registrar who fails so to deliver or cause to be delivered  
10 the same shall be liable to a penalty not exceeding forty shillings.

The person who buries or performs any funeral or religious service for the burial of any dead body, as to which no order or certificate under this section is delivered to him, shall, within seven days after the burial, give notice thereof in writing to the  
15 registrar, and if he fail so to do shall be liable to a penalty not exceeding ten pounds.

18. A person shall not wilfully bury or procure to be buried the body of any deceased child as if it were still-born. Burial of deceased children as still-born.

A person who has control over or ordinarily buries bodies in any  
20 burial ground shall not permit to be buried in such burial ground the body of any deceased child as if it were still-born, and shall not permit to be buried or bury in such burial ground any still-born child before there is delivered to him either,—

(a.) A written certificate that such child was not born alive, signed  
25 by a registered medical practitioner who was in attendance at the birth or has examined the body of such child, or

(b.) A declaration signed by some person who would, if the child had been born alive, have been required by this Act to give information concerning the birth, to the effect that  
30 no registered medical practitioner was present at the birth, or that his certificate cannot be obtained, and that the child was not born alive, or

(c.) If there has been an inquest, an order of the coroner.

Any person who acts in contravention of this section shall be  
35 liable to a penalty not exceeding ten pounds.

#### *Certificates of Cause of Death.*

19. With respect to certificates of the cause of death, the following provisions shall have effect : Regulations as to certificates of cause of death.

- (1.) The Registrar General shall from time to time furnish to  
40 every registrar printed forms of certificates of cause of death by registered medical practitioners, and every registrar shall furnish such forms gratis to any registered 17 & 18 Vict. c. 80. s. 41. 26 & 27 Vict. c. 11. s. 46.

[224.]

A 4

A.D. 1874.

medical practitioner residing or practising in such registrar's sub-district :

- (2.) In case of the death of any person who has been attended during his last illness by a registered medical practitioner, that practitioner shall sign and give to some 5 person required by this Act to give information concerning the death a certificate stating to the best of his knowledge and belief the cause of death, and such person shall, upon giving information concerning the death, or giving notice of the death, deliver that certificate 10 to the registrar, and the cause of death as stated in that certificate shall be entered in the register, together with the name of the certifying medical practitioner :
- (3.) Where an inquest is held on the body of any deceased person a medical certificate of the cause of death need 15 not be given to the registrar, but the certificate of the finding of the jury furnished by the coroner shall be sufficient.

If any person to whom a medical certificate is given by a registered medical practitioner in pursuance of this section fails to deliver 20 that certificate to the registrar, he shall be liable to a penalty not exceeding forty shillings.

*Superintendent Registrars and Registrars.*

Alteration  
of registrars  
districts.  
See  
6 & 7 W. 4.  
c. 86. s. 7.  
7. W. 4. &  
1 Vict. c. 22.  
ss. 10, 11, 13.

20. The Registrar General, with the sanction of the Local Government Board, may from time to time, if it seem to them fit, 25 alter the districts of superintendent registrars and registrars by the alteration of the boundaries of districts, by the formation of new districts, or by the union of districts, and may take or cause to be taken all measures which seem to them to be necessary for carrying such alteration into effect, and such alteration shall be 30 made and measures taken accordingly.

Where any superintendent registrar or registrar is deprived of his office or part of his emolument by such alteration, formation, or union, or by the operation of any Act now in force, compensation may be awarded to him by the like authorities and in the like manner as 35 compensation may be awarded under the Acts relating to the relief of the poor to any officer of a union who is deprived of his office by reason of a union being dissolved or altered, and the persons by whom and funds from which such compensation is to be paid shall be determined in like manner. 40

Every change in the district of a superintendent registrar or registrar shall be published by advertisement or otherwise as the

Local Government Board direct as being in their opinion best calculated for giving information to all persons in the district. A.D. 1874.

Every district of a registrar, whether formed before or after the commencement of this Act, shall be termed a sub-district.

- 5     **21.** Sections ten and eleven of "The Births and Deaths Registration Act, 1837," which relate to uniting any two or more unions, parishes, or places, or any two or more superintendent registrar's district into one superintendent registrar's district, and to dividing a union, parish, or place, or a superintendent registrar's district into  
10 two or more superintendent registrar's districts, shall apply to a union with guardians acting under a local Act, and to a temporary superintendent registrar's district in like manner as it applies to a union with guardians acting under "The Poor Law Amendment Act, 1834," and to a superintendent registrar's district which is not  
15 temporary.

Extension of  
7 Will. 4,  
and 1 Vict.  
c. 22. s. 19,  
to all unions.

22. It shall be lawful for any superintendent registrar, subject to the prescribed rules, to prosecute any person guilty of any offence under the Births and Deaths Registration Acts, 1836 to 1874, committed within the district of such superintendent registrar; and  
20 the costs incurred by the superintendent registrar in such prosecution, which are not otherwise by law provided for, shall be defrayed out of moneys to be provided by Parliament.

Prosecution  
by super-  
intendent  
registrar.

23. Every superintendent registrar shall from time to time, by writing under his hand, appoint, with the approval of the registrar  
25 general, a fit person to act as his deputy in case of his illness or unavoidable absence, or in any prescribed case; and every such deputy while so acting shall have all the powers and fulfil all the duties and be subject to all the obligations by the Births and Deaths Registration Acts, 1836 to 1874, or any of them, given to  
30 or imposed on the superintendent registrar whose deputy he is.

Appoint-  
ment of  
deputy by  
superintend-  
ent registrar  
and registrar.  
Cp. 6 & 7 W. 4.  
c. 86. s. 12.  
7 W. 4. &  
1 Vict. c. 22.  
s. 16. and  
26 Vict. c. 11.  
s. 26. (Ire-  
land).

Such deputy shall hold his office during the pleasure of the superintendent registrar by whom he is appointed, but shall be removable from his office by the Registrar General.

- Every superintendent registrar shall be civilly responsible for the  
35 acts or omissions of his deputy.

The provisions of this section shall apply to registrars in like manner as if it were enacted with the word registrar substituted for superintendent registrar.

24. If any superintendent registrar dies, resigns, or otherwise  
40 ceases to hold his office, his deputy shall be interim superintendent registrar.

Interim  
registrars.  
See  
17 & 18 Vict.  
c. 80. s. 14.

Every interim superintendent registrar shall act as superintendent registrar and have all the powers and perform all the duties and be

[224.]

B

A.D. 1874. subject to all the obligations of a superintendent registrar until another is duly appointed.

The provisions of this section shall apply to a registrar in like manner as if it were enacted with the substitution of the word registrar for superintendent registrar. 5

If a registrar for any sub-district dies, resigns, or otherwise ceases to hold his office, and there is no interim registrar, then the superintendent registrar shall, when so required by the Registrar General, appoint an interim registrar for such sub-district.

Residence,  
office, and  
station of  
registrar  
and deputy  
registrar in  
sub-district.  
6 & 7 W. 4.  
c. 86. s. 16.  
See  
17 & 18 Vict.  
c. 80. s. 25.

**25.** Every registrar and deputy registrar shall either dwell in 10 or have a known office within the sub-district of which he is registrar or deputy registrar.

Every registrar shall, if so directed by the Registrar General, appoint within or contiguous to his sub-district a station or stations 15 as may be directed by the Registrar General. Every such station shall, for the purposes of the provisions of this Act with respect to the attendance of persons and registration of births and deaths at the office of the registrar, be deemed to be his office.

Every registrar and deputy registrar shall attend at his dwelling-house or office and at each such station, on the days and at the hours 20 approved by the Registrar General, for the purpose of registering births and deaths.

Every registrar shall cause to be placed in some conspicuous place on or near the outer door of the dwelling-house or office which he has within his sub-district his name, with the addition of registrar 25 for the sub-district for which he is registrar, and the hours of his attendance as approved by the Registrar General; and a list of such registrars in any union, with their residences, shall be kept at the workhouse of such union, and at each police station within such union. 30

Fees of  
superintend-  
ent registrars  
and regis-  
trars.

**26.** Every superintendent registrar and registrar respectively shall be entitled to the fees specified in the second schedule to this Act, and every such fee shall be paid to him by the persons and on the occasions pointed out in such schedule, and may be recovered as a debt due to him, and subject to the prescribed rules he may 35 refuse to comply with any application voluntarily made to him until the fee is paid.

Returns of  
registrars to  
sanitary  
authorities.

**27.** Every registrar, when and as required by a sanitary authority, as defined by the Public Health Act, 1872, shall transmit by post or otherwise a return, certified under the hand of such registrar to 40 be a true return, of such of the particulars registered by him concerning any death as may be specified in the requisition of the sanitary authority.

The sanitary authority may supply a form of the prescribed character, for the purpose of the return, and in that case the return shall be made in the form so supplied. A.D. 1874.

The registrar making such return shall be entitled to a fee of 5 twopence, and to a further fee of twopence for every death entered in such return, which fee shall be paid by the authority requiring the return.

28. Where the age of any child is required to be ascertained or proved for any purpose connected with the elementary education 10 or employment in labour of such child, any school board or any managers appointed by a school board, or any persons managing a public elementary school, or any of Her Majesty's inspectors of schools, may issue a written requisition in the prescribed form, and stating the prescribed particulars as to the child. Certificates of birth for purposes of school boards and of public elementary schools. See 7 & 8 Vict. c. 15. s. 15.

15 The person to whom such requisition is given shall, on production thereof and payment of a fee of one shilling, be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register of the birth of the child named in the requisition.

20 29. A registrar shall, upon demand made at the time of registering any birth by the person giving the information concerning the birth, and upon payment of a fee not exceeding threepence, give to such person a certificate under his hand, in the prescribed form, of having registered that birth. Certificate of birth having been registered.

25 30. The payment to the registrar under section twenty-nine of the principal Act of two shillings and sixpence for each of the first twenty entries of births and deaths in every year which he has registered shall be paid to him for each of the first twenty entries of births and deaths in each quarterly account made out and 30 verified in manner directed by that Act. Remuneration of registrars. See 6 & 7 W. 4. c. 86. s. 29.

31. The Registrar General shall supply to every superintendent registrar suitable forms wherein to make indexes of the register books in his office, and such superintendent registrar shall cause such indexes to be made and to be kept with the other records of his office. Supply of forms and making of indexes. See 6 & 7 W. 4. c. 86. s. 36.

35 All such indexes, whether made before or after the commencement of this Act, shall be kept by the superintendent registrar with the records of his office, and shall be delivered with the same to his successor in office, as directed by the principal Act.

40 Every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the superintendent registrar on payment in each case of the appointed fee.

32. The guardians of any union acting under a local Act shall be subject to the same obligation of providing and upholding



A.D. 1874. register offices as guardians of a union acting under the Poor Law Amendment Act, 1834, are subject to under section nine of the principal Act.

fire-proof  
repositories.  
4 & 5 W. 4.  
c. 76.

See  
6 & 7 W. 4.  
c. 86. ss. 9,  
14.

Every register office of a district formed before or after the commencement of this Act shall be provided by the guardians, at the expense of their common fund, with a suitable fire-proof repository or iron boxes for the safe custody of the registers, made according to the plan and placed in the office approved by the Registrar General.

Until a register office, as approved by the Registrar General, is provided by the guardians in any superintendent registrar's district, the superintendent registrar shall appropriate some fit room, to be approved by the Registrar General, as a temporary register office. Such guardians shall pay a reasonable rent for the said room out of their common fund to the superintendent registrar.

15

Each of  
united  
unions to  
contribute to  
expense of  
registration  
office.  
7 W. 4. &  
1 Vict. c. 22.  
s. 10.

**33.** Where any union, parish, or place is united to any other union, parish, or place under section ten of the Births and Deaths Registration Act, 1837, the guardians acting for each union, parish, or place so united as aforesaid shall contribute to the expense of providing and upholding a register office in proportion to the population of each such union, parish, or place, as ascertained by the last published census for the time being.

20

Penalty for  
omission to  
register or  
loss of  
registers.  
See  
6 & 7 W. 4.  
c. 86. s. 42.

**34.** Every registrar who refuses or without reasonable cause omits to register any birth or death or particulars concerning which information has been tendered to him by an informant, and which he ought to register, and every person having the custody of any register-book of births and deaths who carelessly loses or injures or allows the injury of the same, shall be liable to a penalty not exceeding fifty pounds.

25

#### *Correction of Errors.*

30

Correction  
of errors in  
registers.  
See  
6 & 7 W. 4.  
c. 86. s. 44.  
17 & 18 Vict.  
c. 80. s. 63.  
26 & 27 Vict.  
c. 11. s. 44.

**35.** With regard to the correction of errors in registers of births and deaths, it shall be enacted as follows :

- (1.) No alteration in any such register shall be made except as authorised by this Act :
- (2.) Any clerical error which may from time to time be discovered in any such register may be corrected by any person authorised in that behalf by the Registrar General, subject to the prescribed rules :
- (3.) An error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register, upon payment of the appointed fee and upon production to him by the person requiring such error to be corrected of a statutory declaration

35

40

setting forth the nature of the error and the true facts of the case, and made by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made, or in default of such persons then by two credible persons having knowledge of the truth of the case :

A.D. 1874.

- (4.) Where an error of fact or substance, (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate concerning a dead body upon which he has held an inquest, the coroner, if satisfied by evidence on oath or statutory declaration that such error exists, may certify under his hand to the officer having the custody of the register in which such information is entered the nature of the error and the true facts of the case as ascertained by him on such evidence, and the error may thereupon be corrected by such officer in the register by entering in the margin, (without any alteration of the original entry) the facts as so certified by the coroner.

*Registration of Births and Deaths at Sea.*

- 20 **36.** The provisions of this Act, save as is herein expressly provided, shall not apply to the registration of births and deaths on board a vessel at sea, with respect to which the following provisions shall have effect :

Registration of births and deaths at sea. 17 & 18 Vict. c. 104. ss. 273-282. 18 & 19 Vict. c. 119. ss. 16, 100. 6 & 7 Will. 4. c. 86. ss. 21, 26. 17 & 18 Vict. c. 80. ss. 30, 43. 26 & 27 Vict. c. 11. ss. 39, 40.

- 25 (1.) The captain or master of or other person having the command or charge of a British ship shall, as soon as may be after the occurrence of the birth of a child or the death of a person on board such ship, record in his log book or otherwise the fact of such birth or death, and the particulars required by the fourth schedule to this Act to be registered concerning such birth or death, or such of them as may be known to him, and shall, (unless the ship is one of Her Majesty's ships,) upon the arrival of such ship at any port of the United Kingdom, or at such other time or place as the Board of Trade may from time to time with respect to any ship or class of ships direct, deliver or send, in such form and manner as the Board of Trade may from time to time direct, a return of the facts so recorded to the Registrar General of Shipping and Seamen.
- 35
- 40 (2.) Where a ship which is not a British ship carries passengers to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of this section shall apply to the captain or

A.D. 1874.  
—

- master of or other person having the command or charge of such ship, in like manner as if it were a British ship:
- (3.) Where the said return is directed by the Board of Trade (whether the ship is British or foreign) to be delivered upon the arrival of the ship, or the discharge of the crew, or 5 otherwise, at any port or place out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return instead of being delivered to the Registrar General of Shipping and Seamen shall be delivered, and the same shall accordingly be delivered, if such port or place is 10 within Her Majesty's dominions, to the shipping master or collector of customs at such port or place, and if it is a foreign port or place, to the principal British consular officer at the said foreign port or place, and such shipping master, collector, or officer shall send the same, as soon 15 as may be, by post or otherwise, to the Registrar General of Shipping and Seamen.
- (4.) Where it appears from any such return that the father of any child so born, or if the child is a bastard the mother of such child, was a Scotch or Irish subject of 20 Her Majesty, or that any person whose death is mentioned in such return was a Scotch or Irish subject of Her Majesty, the Registrar General of Shipping and Seamen shall from time to time send a certified copy of so much of the return as relates to such birth or death to the Registrar 25 General of Births and Deaths in Scotland or Ireland, as the case may require.
- (5.) The Registrar General of Shipping and Seamen shall from time to time send to the Registrar General of Births and Deaths in England a certified copy of every other such 30 return, or of that part of every such return which is not so sent to the Registrar General of Births and Deaths in Scotland or Ireland.
- (6.) A captain of or other person having charge of one of Her Majesty's ships shall, upon the arrival of any such ship 35 in any port of the United Kingdom, or at such other time as the Commissioners of the Admiralty may from time to time direct, deliver or send, in such manner and form as the said Commissioners may from time to time direct, a return of the facts recorded in pursuance of this section to that Registrar General of Births and Deaths to whom a 40 copy of such return would, if the ship were a merchant ship, be sent under the provisions of this section by the Registrar General of Shipping and Seamen.

- (7.) Every Registrar General of Births and Deaths to whom a copy of any return or a return is sent in pursuance of this section shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called a marine register book, and such book shall be deemed to be a certified copy of a register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.
- (8.) Every captain or master of or other person having charge of a ship who fails to comply with this section shall be liable to a penalty not exceeding five pounds for each offence; and such penalty may be recovered in the same courts and places and in the like manner, and when recovered shall be applied in like manner, as a penalty under the Merchant Shipping Act, 1854.
- (9.) This section shall extend to all places and persons within British jurisdiction.
- (10.) Terms in this section shall have the same meaning as in the Merchant Shipping Act, 1854.

20

*Miscellaneous.*

- 37.** An entry or certified copy of an entry of a birth or death in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such a register, shall not be evidence of such birth or death, unless such entry either purports to be signed by some person professing to be the informant and to be such a person as is required by law at the date of such entry to give to the registrar information concerning such birth or death, or purports to be made upon a certificate from a coroner, or in pursuance of the provisions of this Act with respect to the registration of births and deaths at sea.

Register when not evidence. See 6 & 7 W. 4. c. 86. ss. 23-28.

When more than three months have intervened between the day of the birth and the day of the registration of the birth of any child, the entry or certified copy of the entry made after the commencement of this Act of the birth of such child in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such a register, shall not be evidence of such birth, unless such entry purports,

- (a.) if it appear that not more than twelve months have so intervened, to be signed by the superintendent registrar as well as by the registrar; or,
- (b.) if more than twelve months have so intervened, to have been made with the authority of the Registrar General, and in accordance with the prescribed rules.

[224.]

B 4

A.D. 1874. — Where more than twelve months have intervened between the day of a death or the finding of a dead body and the day of the registration of the death or the finding of such body, the entry or certified copy of the entry made after the commencement of this Act of the death in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such register, shall not be evidence of such death, unless such entry purports to have been made with the authority of the Registrar General, and in accordance with the prescribed rules. 5

Penalty for not giving information, complying with requisition, &c.  
See 26 Vict. c. 11. ss. 63, 64.  
17 & 18 Vict. c. 80. ss. 71, 73.

**38.** Every person required by the Births and Deaths Registration Acts, 1836 to 1874, to give information concerning any birth or death, or any living new-born child, or any dead body, who wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning such birth or death, or fails to comply with any requisition of the registrar made in pursuance of those Acts, and every person who refuses or fails without reasonable excuse to give or send any certificate in accordance with the provisions of the said Acts, shall be liable to a penalty not exceeding forty shillings for each offence. And the parent of any child who fails to give information concerning the birth of such child, as required by the said Acts, shall be liable to a like penalty. 15 20

Penalty for false statements, &c.

**39.** Any person who commits any of the following offences; that is to say,

- (1.) Wilfully makes any false answer to any question put to him by a registrar relating to the particulars required to be registered concerning any birth or death, or wilfully gives to a registrar any false information concerning any birth or death, or the cause of any death; or, 25
  - (2.) Wilfully makes any false certificate or declaration under or for the purposes of this Act, or forges or falsifies any such certificate or declaration, or any order under this Act, or, knowing any such certificate, declaration, or order to be false or forged, uses the same as true, or gives or sends the same as true to any person; or, 30 35
  - (3.) Wilfully makes, gives, or uses any false statement or representation as to a child born alive having been still-born, or falsely pretends that any child born alive was still-born; or
  - (4.) Makes any false statement with intent to have the same entered in any register of births or deaths; 40
- shall for each offence be liable on summary conviction to a penalty not exceeding ten pounds, and on conviction on indictment to fine

or to imprisonment with or without hard labour for a term not exceeding two years, or to penal servitude for a term not exceeding seven years. A.D. 1874.

40. All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorised by this Act to be delivered, sent, or given to the Registrar General, a superintendent registrar, or a registrar, or by a registrar to a person who is required to give information concerning any birth or death, or who gives notice of any death, may be sent by post in a prepaid letter, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they are received; and in proving such sending, it shall be sufficient to prove that the letter was prepaid, properly addressed, and put into the post. Sending certificates, &c. by post.

41. In the principal Act and this Act,—  
The term “general search” shall mean a search during any number of successive hours not exceeding six, without stating the object of the search; and  
The term “particular search” shall mean a search over any period not exceeding three years for any given entry of a birth or death. Explanation of 6 & 7 W. 4. c. 86. s. 37.

42. The forms in the first schedule to this Act, or forms as nearly resembling the same as circumstances admit, shall be used in all cases in which they are applicable, and when so used shall be valid in law. Use of forms.

43. It shall be lawful for the Local Government Board or the Registrar General, with the consent of the Local Government Board, by order to alter from time to time all or any of the forms contained in the schedules to the principal Act and this Act, or in any order under this section, in such manner as may appear to them best for carrying into effect the Births and Deaths Registration Acts, 1836 to 1874, or to prescribe new forms for that purpose, and from time to time to make regulations for prescribing any matters authorised by this Act to be prescribed, and to revoke and alter such regulations. Power of Local Government Board and Registrar General to alter forms in schedules under 6 & 7 W. 4. c. 86., and make regulations.

Any order made in pursuance of this section shall be published in the London Gazette, and shall be laid before both Houses of Parliament, if Parliament is sitting, within fourteen days after the issue of the same, or if Parliament is not then sitting, within fourteen days after the commencement of the then next session.

Every form when altered in pursuance of this section shall have the same effect as if it had been contained in a schedule to the principal Act or this Act, as the case may be, and every regulation

A.D. 1874. made in pursuance of this section shall, while in force, have the same effect as if it were enacted in this Act.

Recovery of penalties.

**44.** All fines and forfeitures imposed by the principal Act and all penalties imposed by this Act may, unless otherwise directed, be recovered on summary conviction before two justices in manner 5 directed by the Summary Jurisdiction Acts, and when so recovered shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

Where the court of summary jurisdiction before whom a person 10 is charged summarily with an offence under this Act, which is also punishable on indictment, think that proceedings ought to be taken against such person by indictment, they may adjourn the case to enable such proceedings to be taken.

Time for prosecution of offence.

**45.** A prosecution on indictment for an offence under this Act 15 shall be commenced within three years after the commission of such offence.

Particulars required to be registered concerning birth or death.

**46.** The particulars required to be registered concerning a birth or death shall be the particulars specified in the forms in Schedules A. and B. respectively to the principal Act, as amended by the 20 Births and Deaths Registration Act, 1837, and by this Act, or as altered in pursuance of this Act.

Interpretation.

**47.** In this Act, if not inconsistent with the context,—

The term "public institution" means a prison, lock-up, work-house, lunatic asylum, hospital, and any prescribed public or 25 charitable institution :

The term "house" includes a public institution as above defined :

The term "occupier" includes the governor, keeper, master, matron, superintendent, or other chief resident officer of every public institution, and where a house is let in separate apart- 30 ments or lodgings includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held, or his agent :

The term "relative" includes a relative by marriage :

The term "prescribed" means prescribed by regulations made 35 from time to time in pursuance of section five of the principal Act or of this Act :

The term "appointed fee" means the fee specified in the second schedule to this Act :

The term "guardians" includes any body of persons performing 40 the functions of guardians within the meaning of the Acts relating to the relief of the poor :

The term "union" means any union or incorporation of parishes

under any general or local Act, and includes any single parish having guardians under any such Act: A.D. 1874.

The term "common fund" means, in the case of a single parish, the fund out of which the expenses of the guardians of such parish are paid:

5 The term "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to  
10 "facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with  
"respect to summary convictions and orders," and any Acts amending the same:

15 The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts, or any Acts therein referred to.

20 **48.** Where reference is made in this Act to a registrar or superintendent registrar in connexion with any birth or death or other event, or any register, such reference shall (unless the contrary be expressed) be deemed to be made to the registrar who is the registrar for the sub-district in which such birth or death or other event took place, or who keeps the register in which the birth or death or other event is or is required to be registered, or who keeps  
25 the register referred to, and to the superintendent registrar who superintends such registrar as aforesaid. Definition of registrar and superintendent registrar.

**49.** This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-five, which day is referred to in this Act as the commencement of this Act. Commencement.

30 **50.** This Act, save as is herein otherwise expressly provided, shall extend only to England and Wales. Extent of Act.

**51.** This Act shall, so far as is consistent with the tenor thereof, be construed as one with so much as is unrepealed of the Acts mentioned in the third schedule to this Act, and the first of those  
35 Acts is in this Act referred to as the principal Act, and each of those Acts may be cited as the Births and Deaths Registration Act of the year in which it was passed, and those Acts, together with this Act, may be cited as the Births and Deaths Registration Acts, 1836 to 1874. Construction of Act with 6 & 7 W. 4. c. 86., and 7 W. 4. & 1 Vict. c. 22., and 21 & 22 Vict. c. 25 and short title.

40 **52.** This Act may be cited as the "Births and Deaths Registration Act, 1874." Short title.

[224.]

D



A.D. 1874.

*Repeal.*Repeal of  
Acts in  
schedule.

**53.** The Acts specified in the fifth schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that schedule.

Provided that this repeal shall not affect—

5

- (a.) Anything duly done or suffered under any enactment hereby repealed, or the proof of any past act or thing ;
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or
- (c.) Any penalty, forfeiture, or punishment incurred in respect of 10 any offence committed against any enactment hereby repealed ; or
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such 15 investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.



A.D. 1874.

## SECOND SCHEDULE.

*Fees to Registrars and Superintendent Registrars.*

For registering a birth or death when required to do so at residence of person signing requisition, or at house where child born or person died (not being a public institution), to registrar one shilling, to 5 be paid by the informant.

Upon the registration of a birth when the child is more than three months old, if it is not more than twelve months old, to superintendent registrar two shillings and sixpence, and to the registrar (if the birth is registered on the application of the infor- 10 mant and not in pursuance of a requisition) two shillings and sixpence, and if it is more than twelve months old, and is registered with the authority of the Registrar General, to superintendent registrar five shillings, and to registrar (unless the delay is occasioned by his failure to issue a requisition or otherwise by his 15 default) five shillings, to be paid by the informant or declarant.

Upon the registration of a death with the authority of the Registrar General after the expiration of twelve months, to the superintendent registrar five shillings, and to the registrar (unless the delay is occasioned by his failure to issue a requisition or other- 20 wise by his default) five shillings, to be paid by the informant or declarant.

For taking, attesting, and transmitting a declaration made by an informant respecting a birth in another sub-district, to the registrar attesting the declaration two shillings, to be paid by the informant. 25

For entering the baptismal or other name of child upon certificate produced after registry of birth, to superintendent registrar or registrar one shilling, to be paid by the person procuring the name to be entered.

Correction of error of fact in register, to superintendent registrar 30 or registrar two shillings and sixpence, to be paid by the person requiring the error to be corrected.

For every search, to the superintendent registrar, to be paid by the applicant for the search, if it is a general search, five shillings, if it is a particular search, one shilling. 35

For a certified copy of any entry given by the superintendent registrar, two shillings and sixpence to the superintendent registrar, to be paid by the applicant.

## THIRD SCHEDULE.

A.D. 1874.

*Births and Deaths Registration Acts.*

Session and Chapter.	Title.
5 6 & 7 Will. 4. c. 86. -	An Act for registering births, deaths, and marriages in England.
7 Will. 4. & 1 Vict. c. 22.	An Act to explain and amend the Acts passed in the last session of Parliament for marriage, and for registering births, deaths, and marriages in England.
10 21 & 22 Vict. c. 25. -	An Act to amend the Act concerning non-parochial registers, and the Acts for marriages, and for registering births, deaths, and marriages in England, and concerning vaccination.

## FOURTH SCHEDULE.

- 15 *Particulars to be registered by Captain of a Ship concerning a Birth at Sea.*

Date of birth.

Name (if any) and sex of the child.

Name and surname, and rank, profession, or occupation of the father.

Name and surname, and maiden surname of mother.

Nationality and last place of abode of the father and mother.

- Particulars to be registered by Captain of a Ship concerning a Death at Sea.*

25 Date of death.

Name and surname.

Sex.

Age.

Rank, profession, or occupation.

80 Nationality and last place of abode.

Cause of death.

A.D. 1874.

**FIFTH SCHEDULE.**

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Portions of Acts which have already been specifically repealed are in some 5 instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
6 & 7 Will. 4. c. 86. -	An Act for registering births, deaths, and marriages in England.	Sections one, four, twelve, and sixteen, section 10 eighteen from "as herein- " after provided at a rea- " sonable price " to the end of the section, sections 15 nineteen to twenty-eight, section thirty-six, section thirty-nine from "ac- " cording to the pro- " visions of " to the end of the section, so much 20 of sections forty-one, forty-two, and forty-four as relates to registrars or registers of births and deaths, sections forty-five 25 and fifty, and schedules (E.), (F.), and (G.)
7 Will. 4. & 1 Vict. c. 22.	An Act to explain and amend two Acts passed in the last session of Parliament, for marriages, and for registering births, deaths, and marriages in England.	Sections two, four, six, thir- teen, sixteen, twenty-one, twenty-five, and thirty- 30 one.
17 & 18 Vict. c. 80. -	An Act to provide for the better registration of births, deaths, and marriages in Scotland.	Sections thirty and forty- three. 35
17 & 18 Vict. c. 104. -	The Merchant Shipping Act, 1854.	Sections two hundred and seventy-three and two hun- dred and eighty-two so 40 far as they relate to the entry of any birth or death.

A.D. 1874.  
—

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
18 & 19 Vict. c. 119. - 5 10	Passengers Act, 1855 -	Section sixteen from "and the said master shall note in writing" down to "An Act for registering births, deaths, and marriages in England," and section one hundred from "such emigration or customs officer" to the end of the section.
21 & 22 Vict. c. 25. - 15	An Act to amend the Act concerning non-parochial registers, and the Acts for marriages, and for registering births, deaths, and marriages in England, and concerning vaccination:	The whole Act except sections one to four.
26 & 27 Vict. c. 11. - 20	An Act for the registration of births and deaths in Ireland.	Sections thirty - nine and forty.

# Registration of Births and Deaths.

---

A

## B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the  
Registration of Births and Deaths  
in England, and to consolidate the  
Law respecting the Registration of  
Births and Deaths at Sea.

*(Prepared and brought in by  
Mr. Selater Booth, Mr. Clare Read, and  
Mr. Secretary Cross.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
23 July 1874.*

---

---

[Bill 224.]

*Under 4 02.*

# **Registration of Firms Bill.**

---

## **ARRANGEMENT OF CLAUSES.**

---

### **Clause.**

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Firms to transmit names, &c. to registrar.
5. No fictitious name to be used by a registered firm.
6. Changes in firm to be notified.
7. Registered firm changing name to be deemed a new firm.
8. Person wilfully making false statement guilty of a misdemeanor.
9. Penalty for default in registration.
10. Power for registrar to receive particulars after prescribed time in certain cases.
11. Forms to be used.
12. Registrar to file statements.
13. Register to be kept.
14. Registrar of joint stock companies to be registrar under this Act.
15. Board of Trade may appoint and remove officers.
16. Additional salary to registrar, &c.
17. Inspection of registry and documents.
18. Fees to be paid to registrar.
19. Applications to registrar may be made by letter.
20. Certified copies to be evidence.
21. Forms and stamps to be kept by stamp distributors.
22. Recovery of penalties.
23. Application of Penalties.

### **SCHEDULES.**

---





A

## B I L L

FOR

The Registration of certain Firms carrying on Business in the A.D. 1874.  
United Kingdom.

**W**HEREAS it is expedient that the real constitution of all firms carrying on any trade or profession should be known :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Registration of Firms Act, Short title. 1874."

2. This Act shall not come into operation until the *first day of* Commence-  
10 *January one thousand eight hundred and seventy-five*, which date ment of Act.  
is herein-after referred to as the commencement of this Act.

3. In the construction of this Act the following words shall be Interpreta-  
construed as herein-after mentioned : tion of terms.

15 "Partnership" shall mean two or more persons lawfully associated for the purpose of carrying on any trade or profession, and not incorporated by or in pursuance of any Act of Parliament or by Royal Charter :

20 "Firm" shall mean any person singly or any partnership who shall adopt for the purpose and in the course of carrying on any trade or profession as the name, title, or designation by which such person or partnership shall be known or designated any name, title, or designation other than or in addition to the full name by which such person is ordinarily known and designated, or the full names of all the persons forming such partnership :

25 "Registered firm" shall mean any firm registered under this Act :

"Registered name" shall mean the style, title, or designation by which any firm is registered under this Act :

"Office" shall include any warehouse, factory, counting-house,  
[Bill 42.] A

A.D. 1874.

shop, or other place where any business or profession may be carried on :

“Registrar” shall mean the registrar or any assistant registrar of joint stock companies, or such other person as shall hereafter be appointed to register firms in pursuance of this Act. 5

Firms to transmit names, &c. to registrar.

4. Every firm which at the commencement of this Act shall be carrying on business or have established any office for the purpose of carrying on business in the United Kingdom shall, within one calendar month from the commencement of this Act, and every firm which shall thereafter carry on business, or establish 10 or remove any office as aforesaid for the purpose of carrying on business in the United Kingdom shall, within one calendar month from the time of commencing such business or establishing or removing such office for the purpose of carrying on business, transmit by post or deliver to the registrar at the register office 15 in that part of the United Kingdom in which the principal place of business of the firm is or is intended to be situated, a statement made in the form prescribed in the second schedule to this Act, containing the following particulars :—

(a.) The name of the firm : 20

(b.) The nature of the business intended to be carried on :

(c.) The place or places at which it is intended to carry on such business.

(d.) The full name, usual residence, and other occupation, if any, of the person constituting the firm, or where there is more than 25 one such person, of each member of the firm, to be written or acknowledged by such person or by each member of the firm, if in Great Britain or Ireland, in the presence of a justice of the peace, attorney, or solicitor, and if abroad, in the presence of a British consul or notary public ; and such 30 justice of the peace, attorney, solicitor, consul, or notary public shall attest such signature or acknowledgment :

(e.) In the case of firms which shall commence their business or open their office or place for the purpose of carrying on business after the commencement of this Act, the date at 35 which the firm commenced business or established its office.

No fictitious name to be used by a registered firm.

5. Any registered firm which shall use or adopt, in relation to or in course or for the purpose of the business of the firm, any name or style other than the registered name of the firm, 40 shall incur a penalty not exceeding *fifty pounds* for every occasion on which such name is so used or adopted ; provided that

nothing in this Act contained shall prevent any registered firm from transacting business in the name of the person, or of one or more of the persons constituting the firm. A.D. 1874.

6. Every change in the constitution of any registered firm shall be notified to the registrar within one calendar month after such change; such notification shall be by a statement transmitted by post or delivered to the registrar, and made in the form prescribed in the third schedule to this Act. Where such change is caused by the admission of a new partner or new partners, the new partner or partners shall sign or acknowledge such statement. Changes in firm to be notified.

7. If any registered firm shall change its name, title, or designation, such firm shall thereupon notify the same to the registrar, in the form prescribed in the fourth schedule to this Act; such firm shall also transmit or deliver to the registrar the statement required by section four of this Act, and shall then be registered under its new name in all respects as if it were a new firm. Registered firm changing name to be deemed a new firm.

8. Any person who shall make, sign, or transmit to the registrar for the purpose of registration under this Act any false statement purporting to be made in pursuance of this Act, knowing such statement to be false, shall be guilty of a misdemeanor. Person wilfully making false statement guilty of a misdemeanor.

9. If any firm required to register under this Act makes default in transmitting or delivering to the registrar the statements as and in manner required by this Act, then and after the day upon which such firm shall make such default until it shall have transmitted or delivered as aforesaid all the statements required by this Act (which such firm is empowered to do at any time), such firm shall incur a penalty not exceeding *one pound* for every day during which such default continue; and such firm, and all or any of the members thereof, shall be incapable of suing either at law or in equity for any cause of action which shall have accrued to the firm, during the continuance of such default, and any member of such firm sued alone during the continuance of such default in respect of any liability of the firm shall not plead the nonjoinder of any other member of such firm in defence to such suit or action. Penalty for default in registration.

10. Where any person constituting a firm or any member of a firm shall be abroad at the time when any statement is required to be made or signed by such person or member in pursuance of this Act, or where from any cause it shall appear to the registrar that any statement or notification required by this Act could not, with reasonable diligence, be made within the time limited by this Act, it shall be lawful for the registrar to receive such statement or notification within such time as he shall think Power for registrar to receive particulars after prescribed time in certain cases.

A.D. 1874. reasonable, on payment of such fees and in all respects as if such statement or notification had been made or forwarded within the time required by this Act; and if the registrar shall in any case certify that in his opinion there has been no unreasonable delay in making or forwarding such statement or notification, the firm in respect of which the registrar shall so certify shall not be subject to the disabilities or penalties imposed by the twelfth section of this Act.

Forms to be used.

11. The Board of Trade may from time to time make such alterations and additions as it shall deem requisite in and to the table of fees and forms contained in the schedules hereto, so that such fees when altered are not larger than the fees mentioned in the said schedule. Any such additional or altered table or form when added or altered shall be published in the London Gazette, and upon such publication being made such table or form shall have the same force as if it were included in the schedule to this Act.

Registrar to file statements.

12. On receiving any statement made in pursuance of this Act, the registrar shall retain and file the same, and shall send by post a certificate of registration addressed to the firm at the place of business first mentioned in the statement made in pursuance to section four of this Act.

Register to be kept.

13. A register of all firms registering under this Act, and of all statements made and received by the registrar in pursuance of this Act, shall be kept by the registrar.

Registrar of joint stock companies to be registrar under this Act.

14. The registrar and assistant registrars of joint stock companies shall be the registrar and assistant registrars of firms under this Act, and the several offices for the registration of joint stock companies in London, Edinburgh, and Dublin shall be the offices for registration of firms under this Act.

Board of Trade may appoint and remove officers.

15. The Board of Trade may from time to time appoint and remove as it shall think fit additional assistant registrars, clerks, and servants for the purposes of this Act.

Additional salary to registrar, &c.

16. *There shall be paid to the registrar, assistant registrars, clerks, and servants such salary or additional salary in respect of the duties performed by them under this Act as the Board of Trade may, with the sanction of the Commissioners of the Treasury, direct.*

Inspection of registry and documents.

17. Any person may inspect the registers and documents kept by the registrar in pursuance of this Act, and there shall be paid for

such inspection such fees as may be appointed by the Board of Trade, not exceeding *one shilling* for each inspection of such register or documents; and any person may require a certificate of the registration of any firm or a copy of or extract from any  
 5 register or document kept by the registrar in pursuance of this Act, such copy or extract shall be certified by the registrar; and there shall be paid for such certificate of registration, certified copy, or extract such fees as the Board of Trade may appoint, not exceeding *two shillings* for the certificate of registration, and not exceeding  
 10 *fourpence* for each folio or part of a folio of seventy-two words of such copy or extract.

A.D. 1874.

18. There shall be paid to the registrar by any firm in respect of the several matters mentioned in the first schedule hereto the several fees therein specified, or such smaller fees as the Board of  
 15 Trade may from time to time direct. All fees under this Act shall be paid in stamps in accordance with The Public Offices Fees Act, 1866, and the notice by the Commissioners of Her Majesty's Treasury in pursuance thereof, published in the London Gazette of the fourth day of December one thousand eight hundred and sixty-six.

20 The registrar shall not be bound to receive or register any statement in pursuance of this Act, or reply to any application, unless such statement or application have impressed thereon or affixed thereto the proper fee stamps; and no statement required by this Act to be transmitted or delivered to the registrar shall be considered as duly  
 25 transmitted and delivered unless duly stamped.

Fees to be paid to registrar.

19. Application on a form required by the registrar for any certificate of registration, certified copy, or extract may be made by any person to the registrar by post-letter, prepaid.

Applications to registrar may be made by letter.

20. Any document purporting to be a copy or extract certified  
 30 by the registrar of or from any register or document kept by him in pursuance of this Act shall be admissible in evidence of the original entry or document of which it purports to be a copy without further proof in any civil or criminal proceedings; and any document certified by the Registrar, and purporting to be an original  
 35 document or a copy of any original document required by this Act to be kept and filed, shall be *prima facie* evidence in any civil or criminal proceeding that such original document or the original of which such document purports to be a copy was signed, subscribed, or attested by the person or persons respectively purporting  
 40 to have signed, subscribed, or attested the same.

Certified copies to be evidence.

21. Forms for making the several statements or notifications required to be registered under this Act, or applications for any

Forms and stamps to be kept by

**A.D. 1874.** certificate of registration, certified copy, or extract in pursuance of this Act, and proper stamps for the fees payable under this Act, shall be supplied to and procurable from every licensed distributor of stamps in the United Kingdom.

**Recovery of penalties.**

**22.** Offences under this Act made punishable by any penalty 5 may be prosecuted summarily before two or more justices, as to England, in manner directed by an Act passed in the session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled, "An Act to 10  
" facilitate the Performance of the Duties of Justices of the Peace  
" out of Sessions within England and Wales with respect to Summary  
" Convictions and Orders," or any Act amending the same; and as to Scotland, before two or more justices or the sheriff of the county, in manner directed by the Act passed in the session of parliament holden in the seventeenth and eighteenth years of the reign of Her 15  
Majesty Queen Victoria, chapter one hundred and four, intituled "An Act to amend and consolidate the Acts relating to Merchant  
" Shipping," or any Act amending the same, as regards offences in Scotland against that Act, not being offences by that Act described as felonies or misdemeanors; and as to Ireland, in manner directed 20  
by the Act passed in the session holden in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled, "An Act to consolidate and amend the Acts  
" regulating the Proceedings of Petty Sessions, and the Duties of  
" Justices of the Peace out of Quarter Sessions in Ireland," or any 25  
Act amending the same.

**Application of penalties.**

**23.** The justices or sheriff imposing any penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding the person upon whose information or at whose suit such 30  
penalty has been recovered; and, subject to such direction, all penalties shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

## FIRST SCHEDULE.

A.D. 1874.

*Table of Fees to be paid to the Registrar under this Act.*

	For registration of a firm within one month from date of commencing business or establishing or removing office - -	5s.
5	For registration of a firm after the expiration of one month and within six months from date of commencing business or establishing or removing office as above mentioned - -	1l.
10	For registration of a firm after the expiration of six months from such date as above mentioned, for every month which shall have expired after the expiration of such six months an additional sum of - - - - -	1l.
	For registration of any statement relating to any change in the the constitution or name of a registered firm within one month from the date of such change - - - - -	5s.
15	For registration of any statement relating to such change as aforesaid after the expiration of one month and within six months from the date of such change - - - - -	1l.
20	For registration of any statement relating to such change as aforesaid after the expiration of six months from the date of such change, for every month which shall have elapsed after the expiration of such six months an additional sum of - -	1l.



A.D. 1874.

## SECOND SCHEDULE.

## REGISTRATION OF FIRMS ACT, 1873.

*Form for original Registration of a Firm.*

(Pursuant to section 4.)

The name of the firm } \_\_\_\_\_ 5  
 is - - - }

The nature of the } \_\_\_\_\_  
 business intended } \_\_\_\_\_  
 to be carried on is }

The place or places at } \_\_\_\_\_ 10  
 which it is intended } \_\_\_\_\_  
 to carry on such } \_\_\_\_\_  
 business is - - }

Christian and Surname (in full). Each person joining in the statement to write or acknowledge his or her own name.	Usual residence.	Other occupation, description, and additions (if any).	Date of commence- ment of business, or the establishment of office	15
				20

Signed (or acknowledged) by the above-named

at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

Before me \_\_\_\_\_

A justice of the peace  
for \_\_\_\_\_.Attorney or solicitor  
practising at \_\_\_\_\_

Fee  
Stamp.

25

**THIRD SCHEDULE.**

A.D. 1874.

**REGISTRATION OF FIRMS ACT, 1873.***Form for Notice of a Change in the constitution of a Registered Firm.*

5

(Pursuant to section 9.)

To the Registrar of Companies and Firms.

\_\_\_\_\_ the undersigned, Member\_\_ of the firm registered  
under the name of \_\_\_\_\_  
carrying on business at \_\_\_\_\_

10 hereby give you notice that the following change in the constitution of the  
above-mentioned firm took place on the \_\_\_\_\_ day of \_\_\_\_\_  
18 \_\_\_, viz:

**PARTNERS RETIRED.**

Christian and Surname (in full).	Usual residence.	Other occupation, description, and additions (if any).

15

**PARTNER DECEASED.**

Christian and Surname (in full).	Usual Residence.	Place of Death.	Date of Death.

A.D. 1874.

THIRD SCHEDULE (continued).

NEW PARTNERS ADMITTED.

Christian and Surname (in full).	Usual residence.	Other occupation, description, and additions (if any).	5

PARTNERS JOINING IN THE ABOVE STATEMENT  
(including new Partners admitted).

Christian and Surname (in full). Each person joining in the statement to write or acknowledge his or her own name.	Usual residence.	Other occupation, description, and additions (if any).	10

Signed (or acknowledged) by the above-named  
\_\_\_\_\_  
\_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
Before me \_\_\_\_\_  
\_\_\_\_\_  
A justice of the peace  
for \_\_\_\_\_  
Attorney or solicitor  
practising at \_\_\_\_\_  
\_\_\_\_\_



15

20

## FOURTH SCHEDULE.

A.D. 1874.

## REGISTRATION OF FIRMS ACT, 1873.

*Form for Notice of a Change in the Name of a Registered Firm.*  
(Pursuant to section 10.)

5 To the Registrar of Companies and Firms.

\_\_\_\_\_ the undersigned, member \_\_\_\_\_ of the firm registered under the  
name of \_\_\_\_\_  
carrying on business at \_\_\_\_\_

hereby give you notice that this name was changed to \_\_\_\_\_

10 on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

Christian and Surname (in full). Each person joining in the statement to sign or acknowledge his or her own name.	Usual residence.	Other occupation, description, and additions (if any).

Signed (or acknowledged) by the above-named

15 at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

Before me \_\_\_\_\_

A justice of the peace  
for \_\_\_\_\_.

20

Attorney or solicitor  
practising at \_\_\_\_\_

*Fee  
Stamp.*

# **Registration of Firms.**

---

A

## **B I L L**

For the Registration of certain Firms  
carrying on business in the United  
Kingdom.

*(Prepared and brought in by  
Mr. Norwood, Mr. Sampson Lloyd, and  
Mr. Whistell.)*

---

*Ordered, by The House of Commons, to be Printed,  
24 March 1874.*

---

[Bill 42.]

*Under 2 oz.*

A  
B I L L

TO

Relieve Revenue Officers from remaining Electoral Disabilities.

A.D. 1874.

**W**HEREAS an Act was passed in the session of Parliament holden in the thirty-first and thirty-second years of the reign of Her present Majesty, intituled “An Act to relieve certain officers employed in the collection and management of Her Majesty’s  
5 “revenues, from any legal disability to vote at the election of  
“members to serve in Parliament:”

And whereas notwithstanding the passing of the said Act certain servants of the Crown in the Revenue departments still labour under other legal disabilities, and are precluded from exercising  
10 the same rights as are enjoyed by other civil servants of the Crown, and by Her Majesty’s subjects generally, in respect of the election of members to serve in Parliament:

And whereas doubts have arisen whether certain other officers in the Revenue departments labour under the like disabilities:

15 And whereas it is inexpedient to maintain such exceptional restrictions:

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the  
20 authority of the same:

1. *From and after the passing of this Act*, no person employed in the charging, collecting, receiving, or managing any of Her Majesty’s Revenues shall be liable to any pains or penalties by reason of his having solicited the vote of any elector, or addressed  
25 any assembly of electors in reference to the choice of any person to serve in Parliament, any enactment to the contrary notwithstanding.

2. The enactments contained in the schedule to this Act are hereby repealed.

Enactments  
in schedule  
repealed.

[Bill 15.]

A.D. 1874.

---

## SCHEDULE.

---

*The Statutes of the Realm.*

12 & 13 W. 3. c. 10. s. 89. <sup>(1)</sup>

9 Anne, c. 11. s. 45. <sup>(2)</sup>

10 Anne, c. 18. s. 198. <sup>(3)</sup>

5

---

<sup>(1)</sup> s. 91. in Ruffhead's edition.

<sup>(2)</sup> c. 10. s. 44. in Ruffhead's edition.

<sup>(3)</sup> c. 19. s. 182. in Ruffhead's edition.





**Revenue Officers  
Disabilities.**

---

A

**B I L L**

To relieve Revenue Officers from  
remaining Electoral Disabilities.

*(Prepared and brought in by  
Mr. Monk and Mr. Russell Gurney.)*

---

*Ordered, by The House of Commons, to be Printed,  
20 March 1874.*

---

[Bill 15.]  
*Under 1 oz.*

▲

# B I L L

TO

Amend the Law relating to the Payment of Revising  
Barristers.

A.D. 1874.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. Whereas doubts have arisen as to whether the provisions of the Parliamentary Electors Registration Act, 1843, with respect to the payment of additional barristers appointed in case of the insufficiency of the number of the revising barristers originally appointed, apply to the payment of substitutes appointed in case of the death, 10 illness, or absence of any revising barrister, or from any other cause, and it is expedient to remove such doubts, and to provide for the payment of such substitutes :

Amendment  
of 6 & 7 Vict.  
c. 18. ss. 29,  
59, as to  
payment of  
substitutes  
for revising  
barristers.

Be it therefore enacted that—

- 15    Where by reason of the death, illness, or absence of any barrister appointed to revise the lists of voters for any county, city, or borough, or from any other cause, a barrister is after the passing of this Act appointed to act in the place of the barrister so originally appointed, there shall be paid to him out of the sum which under section fifty-nine of the Parliamentary Electors Registration Act, 20 1843, would otherwise be payable to the barrister originally appointed, such sum for his remuneration and travelling expenses, as to the Commissioners of Her Majesty's Treasury may seem reasonable.

- 25    2. Her Majesty, by Order in Council made upon the representation of the Commissioners of Her Majesty's Treasury, may vary from time to time, either by way of increase or decrease the number of revising barristers to be appointed for any counties, cities, boroughs, or places in pursuance of section twenty-eight of the Parliamentary Electors Registration Act, 1843, and the number fixed by such [Bill 127.]

Alteration of  
number of  
revising  
barristers.

A.D. 1874.

Order shall be substituted for the number fixed by the said section or by any previous Order in Council made under this or any other Act.

Definitions.  
36 & 37 Vict.  
c. 70.

3. Terms in this Act have the same meaning as in the Revising Barristers Act, 1873.

5

Extent of  
Act.

4. This Act shall not extend to Scotland or Ireland.

Short title of  
Acts.

5. This Act may be cited as the Revising Barristers Act, 1874. The Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter eighty-four, intituled “ An Act to amend the law relating to the appointment of “ revising barristers ” may be cited as the Revising Barristers Act, “ 1872.”

10

36 & 37 Vict.  
c. 70.

This Act and the Revising Barristers Act, 1872, and the Revising Barristers Act, 1873, may be cited together as the Revising Barristers Acts, 1872 to 1874.

15

Repeal of  
Acts in  
schedule.

6. The Acts specified in the schedule to this Act are hereby repealed from and after the passing of this Act to the extent specified in the third column of that schedule, without prejudice to anything done or suffered before the passing of this Act under the enactments hereby repealed.

20

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 18 -	An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain proceedings in the Election of Members to serve in Parliament for England and Wales.	Section twenty-nine from “ Provided always that whenever ” to the end of the section, and so much of the rest of the section as relates to the appointment of additional barristers in case of the insufficiency of the number of barristers originally appointed ; and section fifty-nine from “ Provided always that in the case of any barrister ” to the end of the section. 25 30
35 & 36 Vict. c. 84	An Act to amend the Law relating to the appointment of Revising Barristers.	The whole Act except section two. 35
36 & 37 Vict. c. 70.	The Revising Barristers Act, 1873.	Section three.



**Revising Barristers  
(Payment).**

---

A

**B I L L**

To amend the Law relating to the Pay-  
ment of Revising Barristers.

*(Prepared and brought in by  
Mr. William Henry Smith and Mr. Chancellor  
of the Exchequer.)*

---

*Ordered, by The House of Commons, to be Printed,  
1 June 1874.*

---

[Bill 127.]

*Under 1 oz.*

# Royal Irish Constabulary and Dublin Metropolitan Police Bill.

---

## ARRANGEMENT OF CLAUSES.

---

Clause.

### *Preliminary.*

1. Interpretation of terms.
2. Power to Lord Lieutenant to fix revised salaries for constabulary force.
3. Superannuation. Saving rights.
4. Forfeiture of pension for misconduct.
5. Rate of charge upon counties for extra constabulary.
6. Rate of charge upon public companies for constabulary protection.
7. Canteen.
8. Court of inquiry.
9. Two shillings per week to men in Belfast and Londonderry.
10. As to unclaimed money and goods found or stolen.
11. As to receiver of constabulary.
12. Amendment of 6 & 7 W. 4. c. 13. s. 18. as to disabilities of members of constabulary force.
13. Amendment of 23 & 24 Vict. c. 19. 25 & 26 Vict. c. 76. as to expenses.
14. Estimate of charge to be presented to Parliament.
15. Increase of salary to divisional justices when number reduced to four.
16. Divisional justices qualified to hold certain offices.
17. Repeal of enactments.
18. Short title.

### SCHEDULE.

---



A  
B I L L

TO

Amend the Laws relating to the Royal Irish Constabulary, and the Police of the Police District of Dublin Metropolis. A.D. 1874.

**W**HEREAS it is expedient further to amend the laws relating to the Royal Irish Constabulary and to the Police in the Police District of Dublin Metropolis :

Be it therefore enacted by the Queen's most Excellent Majesty,  
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

1. The following terms in this Act have the meanings herein-  
10 after assigned to them ; (that is to say,) Interpre-  
tation of  
terms.

" Lord Lieutenant " means the Lord Lieutenant or other chief governor or governors of Ireland :

" Constabulary force " means the Royal Irish Constabulary :

15 " Members of the constabulary force " means inspector general, deputy inspector general, assistant inspector general, commandant of the depôt, surgeon, veterinary surgeon, and every county inspector, sub-inspector, barrack master of the depôt, head constable, constable, acting constable, and sub-constable of the constabulary force :

20 " Head and other constables " means every head constable, constable, acting constable, and sub-constable of the constabulary force :

The term " county " shall extend to and include county of a city, county of a town, county of a town and city, city and county  
25 and borough, in which there is a grand jury or town council exercising the powers of a grand jury as to presentments :

[Bill 196.]

A



A.D. 1874.

The term "grand jury" shall, as regards any borough the town council of which is authorised to make presentments for any of the purposes of this Act, be held to include such council :

The term "treasurer of the county" includes any person or persons, in any county of a city or town, or county of a town and city, borough, town, or place, performing duties analogous to those of "the treasurer of the county" in counties ; and in the application of this Act to the county of Dublin, it means the finance committee.

Power to  
Lord Lieu-  
tenant to  
fix revised  
salaries for  
constabulary  
force.

2. It shall be lawful for the Lord Lieutenant, notwithstanding the limitations in any Act contained, to fix and appoint such revised annual salaries as to him may from time to time seem proper, subject to the conditions herein-after specified, to be paid in such manner and subject to such regulations and provisions as he may direct, to the several persons herein-after mentioned ; (that is to say,) 15

1. To the inspector-general, to the deputy inspector-general, to the three assistant inspectors-general, one being styled commandant of the dépôt, and to the barrack master, such annual salaries respectively as the Commissioners of Her Majesty's Treasury may approve : 20

2. To the surgeon of the force, an annual salary not exceeding *four hundred pounds* :

3. To the inspector of constabulary for the town of Belfast, an annual salary not exceeding *six hundred pounds* :

4. To each county inspector of the first class, an annual salary not exceeding *three hundred and fifty pounds* : 25

5. To each county inspector of the second class, an annual salary not exceeding *three hundred pounds* :

6. To each sub-inspector of the first class, an annual salary not exceeding *two hundred and twenty-five pounds* : 30

7. To each sub-inspector of the second class, an annual salary not exceeding *one hundred and sixty-five pounds* :

8. To the head constable major, an annual salary not exceeding *one hundred and four pounds* :

9. To each head constable of the first class, an annual salary not exceeding *ninety-one pounds* : 35

10. To twelve head constables of the first class, of long service or superior merit, but ineligible for further promotion, an addition to their respective salaries under this Act of *ten pounds* per annum each : 40

11. To each head constable of the second class, an annual salary A.D. 1874.  
not exceeding *eighty-three pounds four shillings* :
- 5 12. To twelve head constables of the second class, of long service  
or superior merit, but ineligible for further promotion, an  
addition to their respective salaries under this Act of *ten*  
*pounds per annum* :
13. To each constable, an annual salary not exceeding *seventy-*  
*two pounds sixteen shillings* :
- 10 14. To sixty constables, of long service or superior merit, but  
ineligible for promotion, an addition to their respective  
salaries under this Act of *four pounds per annum* each :
15. To each acting constable, an annual salary not exceeding  
*sixty-seven pounds twelve shillings* :
- 15 16. To each sub-constable of twenty years service and upwards,  
an annual salary of *sixty-two pounds eight shillings* :
17. To each sub-constable of fourteen years and under twenty  
years service, an annual salary of *fifty-nine pounds sixteen*  
*shillings* :
18. To each sub-constable of eight years and under fourteen years  
service, an annual salary of *fifty-seven pounds four shillings* :
- 20 19. To each sub-constable of four years and under eight years  
service, an annual salary not exceeding *fifty-four pounds*  
*twelve shillings* :
20. To each sub-constable of six months and under four years  
service, an annual salary not exceeding *fifty-two pounds* :
- 25 21. To each sub-constable of less than six months service, a  
salary at a rate not exceeding *thirty-nine pounds per*  
*annum* :

Such salaries to take effect from and after the *first day of July one*  
30 *thousand eight hundred and seventy-four*, and to continue to be  
paid until the *first day of July one thousand eight hundred and*  
*seventy-five*, and to be in addition to the good service pay at  
present authorised, viz., to five county inspectors, fifty pounds  
per annum each; to six sub-inspectors of the first class, thirty  
35 pounds per annum each; and to twenty-three sub-inspectors,  
whether of the second or third class, twelve pounds per annum  
each.

3. It shall be lawful for the Lord Lieutenant, under the con-  
ditions herein-after mentioned, to direct that any head or other  
40 constable appointed after the tenth day of August one thousand  
eight hundred and sixty-six may be superannuated, and receive a  
gratuity or yearly pension not exceeding the proportion of his

Super-  
annuation.

A.D. 1874. salary stated in the scale herein-after mentioned; and it shall be lawful for the Commissioners of Her Majesty's Treasury, or any two or more of them, upon the recommendation of the Lord Lieutenant, to direct that any officer of the constabulary force, that is to say, any inspector-general, deputy inspector-general, assistant 5 inspector-general, commandant of the dépôt, surgeon, veterinary surgeon, county inspector, barrack master of the dépôt, or sub-inspector appointed after the tenth day of August one thousand eight hundred and sixty-six, may be superannuated, and may receive a gratuity or yearly pension not exceeding the proportion 10 of his salary stated in the scale herein-after mentioned; that is to say,

1. A gratuity of one month's salary for each year's service when such service has exceeded five years and been less than fifteen years : 15
2. On completion of fifteen years service, an annual pension of *fifteen fiftieths* of the salary may be granted, and an increase of one fiftieth for each successive year up to thirty years' service completed :
3. After thirty years' service, or after the person to be super- 20 annuated has attained the age of sixty years, the pension to be equal to *thirty fiftieths* of the salary, or to a larger proportion in cases of extraordinary merit or good conduct; provided that the particulars constituting such merit or conduct shall be set forth in the authority granting the pension, and that 25 if the pension exceeds the amount which might have been granted for length of service only, it shall not be granted without the consent in writing of the Commissioners of Her Majesty's Treasury :
4. For injuries received at any time in the actual performance 30 of duty, a pension may be granted of an amount in proportion to the injury received, not exceeding the full salary; provided that the grounds of disability shall be fully set forth in the authority granting the pension, and that if the pension exceeds the amount which might have been 35 granted for length of service only, it shall not be granted without the consent in writing of the Commissioners of Her Majesty's Treasury.

Nothing herein contained shall entitle any member of the constabulary force absolutely to any superannuation allowance, nor 40 prevent him from being dismissed or discharged for misconduct or other sufficient cause without superannuation allowance; and

no surgeon hereafter appointed, and no veterinary surgeon who is not required by the terms of his appointment to give up private practice, shall be entitled to any pension or retiring gratuity under this Act. A.D. 1874.

- 5 No such pension or gratuity shall be granted in any case except on the certificate of the surgeon of the force, or such other competent medical officer or officers as the Lord Lieutenant shall name for the purpose, that the person is incapable from infirmity of mind or body to discharge the duties of his situation and that such  
10 infirmity is likely to be permanent, and the certificate of the Inspector-General (or in the case of the Inspector-General's superannuation, then on the certificate of the Chief Secretary to the Lord Lieutenant), that he has served with diligence and fidelity : Provided that any member of the force who shall have served  
15 thirty years, or who has attained the age of sixty years or upwards, may upon his petition, be superannuated without such medical certificate.

- Save as by this Act expressly provided, the provisions of an Act passed in the session of Parliament held in the tenth and  
20 eleventh years of Her present Majesty, chapter one hundred, intituled "An Act to regulate the Superannuation Allowances of the Constabulary Force in Ireland, and the Dublin Metropolitan Police," shall apply to the members of the constabulary force, in Ireland appointed before the tenth day of August one thousand eight hundred  
25 and sixty-six, as fully and effectually as if this Act had not passed : Provided always, that any member of the constabulary force appointed as last aforesaid may be superannuated, if he so elect, according to the scale and on the conditions prescribed by this Act.

- 30 All pensions and gratuities granted to members of the constabulary force after the passing of this Act shall be computed according to the manner prescribed for the computation of superannuation allowances by section twelve of the Act of the session of the fourth and fifth years of the reign of His late Majesty  
35 William the Fourth, chapter twenty-four.

- In calculating any superannuation which shall be granted according to the scale and on the conditions prescribed by this Act to members of the constabulary force, whether appointed before or after the tenth day of August one thousand eight hundred  
40 and sixty-six, the term salary shall include all allowances for lodging, house rent, and servant : Provided always, that the

[196.]

A 3

**A.D. 1874.** allowance in respect of lodging or house rent shall not exceed one sixth of the actual salary and other emoluments.

**Forfeiture of pension for misconduct.** 4. Such pension shall be granted only upon the condition that it becomes forfeited, and may be withdrawn by the Lord Lieutenant, in any of the following cases : 5

1. On conviction of the grantee for any indictable offence :
2. On his knowingly associating with suspected persons, thieves, or other offenders :
3. On his refusing to give information and assistance to the police whenever in his power for the detection and apprehension of criminals, and for the suppression of any disturbance of the public peace : 10
4. If it shall be discovered that the pension or retiring allowance of such person was granted upon statements or pretences which were to his knowledge false, or if he enter into or continue 15 to carry on any business, occupation, or employment which shall be in the opinion of the Lord Lieutenant disgraceful or injurious to the public, or in which he shall make use of the fact of his former employment in the constabulary force in a manner which the Lord Lieutenant considers to be dis- 20 creditable and improper, or if he shall take any step or pursue any line of conduct calculated in the opinion of the Lord Lieutenant to subvert the discipline of the force, or to injure it.

**Rate of charge upon counties for extra constabulary.**

5. Section 12 of an Act passed in the session of Parliament 25 held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, intituled "An Act to amend an Act to consolidate " the laws relating to the Constabulary Force in Ireland," shall be and the same is hereby repealed ; and in lieu thereof be it enacted, that where one moiety of the costs and expenses of any constabulary 30 force is chargeable to any county, or any part or district of a county, or any county of a city or county of a town, or borough or town in Ireland, there shall be charged to each such county, or part or district thereof, or county of a city or county of a town, or any such borough or town, such sum or sums as may be due at 35 the rates per annum following :

For each sub-inspector, one moiety of the sum of one hundred and eighty-four pounds and seven shillings ;

For each head-constable, one moiety of the sum of eighty-six pounds and twelve shillings.

Provided always, that it shall be lawful for the Lord Lieutenant, A.D. 1874.  
with the approval of the Commissioners of Her Majesty's Treasury,  
from time to time to fix and determine the further rates of charge  
to be paid by every such county, or part or district thereof, or  
5 county of a city or county of a town, or borough or town, on an  
average of the entire force of constables, acting constables, and  
sub-constables in Ireland, regard being had to the rate of pay  
sanctioned by this Act, and to the cost of clothing, medical attend-  
ance, barrack accommodation, fuel, local travelling expenses, and  
10 extra pay of such constables and other constables when absent  
from quarters.

And in all cases where, under the laws now in force, the whole  
of the costs and expenses of any constabulary force is chargeable to  
any county, or any part or district of a county, or any county of a  
15 city or county of a town, or any borough or town, in Ireland, there  
shall be charged to each such county, or part or district of such  
county, or county of a city, county of a town, borough, or town,  
per annum, the full cost of such constabulary force, calculated in  
the manner last mentioned.

20 In all cases where an extra force is sent into any county or any  
part or district of a county, or any county of a city or county  
of a town, or any borough or town in Ireland, for the preservation  
of the peace upon any occasion, each such county, or part or  
district of such county, or county of a city, county of a town,  
25 borough, or town, shall, in lieu of any other charges, in case the  
Lord Lieutenant shall so direct, be charged with the whole or any  
part of the extra pay and lodging expenses of such constabulary  
force during their absence from their accustomed stations, and their  
travelling expenses from and to such stations; and the amount of  
30 such extra pay and travelling expenses shall be included in the  
certificate to be transmitted by the Inspector-General pursuant  
to the provisions of this Act, and shall be repaid in like manner  
as any other sum included in such certificate.

6. From and after the passing of this Act, in all cases where  
35 members of the constabulary force shall be required to keep the  
peace in the neighbourhood of railway works or other public works  
in Ireland, the costs and expenses of such members, calculated  
according to the rates in the preceding section mentioned, shall be  
charged upon the company or other parties carrying on such railway  
40 or other public works; and all sums so charged shall be payable to  
the Inspector-General, who shall pay over the same to Her Majesty's  
Exchequer in like manner as any other money payable thereto.

Rate of ~~charge~~  
charge upon  
public com-  
panies for  
constabulary  
protection.

A.D. 1874.  
Canteen.

7. When any head or other constable shall hold any canteen under proper authority of the inspector-general, it shall be lawful for any two justices within their respective jurisdictions to grant a certificate authorising the grant or transfer of any beer, wine, or spirit license to such persons without regard to time of year or to the notices required by any Act in respect of such licenses, and the Commissioners of Inland Revenue, or their proper officers within their respective districts, shall, upon production of such certificates, grant licenses as aforesaid; and any such constable so holding a canteen and having such license may sell therein victuals and intoxicating liquors as empowered by such license, without being subject to any penalty or forfeiture; and so much of any Act as provides that any head or other constable who shall sell any beer, wine, or spirituous liquors shall be subject to any disqualification, loss of salary, or any other penalty, shall not apply to any such constable as aforesaid.

Court of inquiry.

8. Before commencing proceedings in any court of inquiry the members of such court shall take the oath following :

“ You shall well and truly try and determine according to the evidence in the matters now before you, without fear, partiality, favour, or affection. So help you GOD.”

This oath shall be administered to the president by a member of such court of inquiry, and by the president after he shall have taken such oath to each member of such court.

Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case when by law a solemn affirmation may be made instead thereof.

Two shillings per week to men in Belfast and Londonderry.

9. It shall be lawful for the Lord Lieutenant (if he shall so think fit) to order and direct that *two shillings* per week shall be paid by way of special allowance to head and other constables whilst serving in the town of Belfast and in the borough of Londonderry, with a view to meet the extra expense to which the men serving therein respectively are subject as compared with the remainder of the constabulary force; and the said additional sums shall be paid in like manner and out of the like funds as the pay of such head and other constables.

As to unclaimed money and goods found or stolen.

10. When any money or goods shall be found and shall be delivered over to any constable, or when any goods or money charged to be stolen or unlawfully obtained, and of which the owner shall be unknown, shall be in the hands of any constable, it shall be lawful for the Inspector-General, after the expiration of

A.D. 1874.

twelve calendar months during which no owner shall have appeared to claim the same, to sell or dispose of such goods or money, and pay over such money or proceeds to Her Majesty's exchequer in like manner as any other money payable thereto.

- 5   **11.** Whereas the office of receiver of constabulary and that of  
inspector-general are now held by the same person : Be it enacted,  
that the inspector-general may himself, without further assistance,  
make out the certificates respectively prescribed by the thirty-seventh  
section of the Act of the session of the sixth and seventh years of the  
10 reign of His late Majesty William the Fourth, chapter thirteen, and  
section eight of the Act of the session of the eleventh and twelfth  
years of the reign of Her present Majesty, chapter seventy-two, and  
section six of the Act of the twenty-eighth and twenty-ninth years  
of the reign of Her present Majesty, chapter seventy, and section  
15 five of the Act of the thirty-third and thirty-fourth years of the  
reign of Her present Majesty, chapter eighty-three, and every  
certificate so made shall be valid and effectual for the purposes of  
the said Acts respectively, and it shall not be necessary for the  
Inspector-General in his capacity of receiver in any case to submit  
20 any account to the special road sessions of any county : Provided  
always, that such certificate shall be accompanied by a statement,  
verified by the county inspector, as to the correctness of the number  
of extra force charged for in such certificate.

As to  
receiver of  
constabulary.

- 25   **12.** The disabilities imposed by the eighteenth section of the  
Act passed in the session of Parliament held in the sixth and  
seventh years of the reign of His late Majesty William the  
Fourth, chapter thirteen, shall not (except as to being elected or  
sitting as a member of the House of Commons) be taken or held  
to be applicable to any clerk in the office of the Inspector General.
- 30   **13.** Expenses incurred by any member of the constabulary force  
or of the Dublin metropolitan police acting as ex-officio inspector  
of weights and measures for conveyance or escort of weights and  
measures, and allowances payable to him or to any other member  
of either of the said forces assisting in the performance of the duties  
35 of such inspector, shall be payable to such members respectively by  
county treasurers, and in the county of Dublin by the finance com-  
mittee, on presentation of accounts of such expenses and allowances,  
to be furnished quarterly, verified by the declarations of such in-  
spectors and the certificates of the county inspector of the county,  
40 or in Dublin of one of the commissioners of police, as to the  
correctness of any charges for extra pay claimed therein ; and all

Amend-  
ment of  
6 & 7 W. 4.  
c. 13. s. 18.  
as to dis-  
abilities  
of members  
of constabu-  
lary force.

Amendment  
of 23 & 24  
Vict. c. 19.  
25 & 26 Vict.  
c. 76. as to  
expenses.

[196.]

B



A.D. 1874.

such expenses so paid shall be presented, without any previous application at presentment sessions, at the assizes or presenting term next after the payment of the same.

Estimate of  
charge to be  
presented to  
Parliament.

**14.** *The Lords Commissioners of Her Majesty's Treasury shall cause to be submitted to Parliament annually an estimate of the sum which will from time to time be required to defray the expenditure which under this Act will be chargeable on moneys to be provided by Parliament.*

Increase of  
salary to  
divisional  
justices when  
number re-  
duced to  
four.

**15.** Whenever the number of justices of the police district of Dublin Metropolis shall not exceed four, it shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, to increase the salary of any of the said justices, or the salaries of any two or more of the said justices, to such sum or sums as he shall think fit; provided that the total amount of all the salaries of such justices shall not exceed the gross amount now authorised by law to be paid by way of salaries to all the justices of the said district collectively.

Divisional  
justices  
qualified to  
hold certain  
offices.

**16.** Whereas under the provisions of certain Acts it is enacted that any person appointed to any of the offices in the said Acts respectively mentioned shall be a practising barrister-at-law, who shall not at the time of his appointment have retired from practice :

And whereas it is expedient to amend the said provisions, and to authorise the appointment of justices of the police district of Dublin Metropolis to any of such offices :

Be it therefore enacted, that a barrister-at-law shall not be deemed to have retired from practice within the meaning of the said provisions by reason of his having been appointed and having acted as a justice of the police district of Dublin Metropolis.

Repeal of  
enactments.

**17.** From and after the passing of this Act the enactments specified in the first column of the schedule to this Act annexed shall, to the extent specified in the second column of the said schedule, be and the same are hereby repealed.

Provided that such repeal shall not affect—

- (1.) Anything duly done or suffered under any enactment hereby repealed; or,
- (2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed.

Short title.

**18.** This Act may be cited for all purposes as “The Constabulary and Police (Ireland) Act, 1874.”

A.D. 1874.

SCHEDULE.

Session and Number of Act.	Extent of Repeal.
2 & 3 Vict. c. 75. -	Section fifteen from "and provided further" to the end of that section.
5 11 & 12 Vict. c. 72. -	Section six from "and shall be absent" to "more than five days," both inclusive.
6 & 7 W. 4. c. 13. -	Sections fifty-one, fifty-two, fifty-three, and fifty-four.
2 & 3 Vict. c. 75. -	Section nineteen.
10 14 & 15 Vict. c. 85. -	Section three.

**Royal Irish Constabulary and Dublin Metropolitan Police.**

---

**A**

**B I L L**

To amend the Laws relating to the Royal Irish Constabulary and the Police of the Police District of Dublin Metropolis.

*(Prepared and brought in by  
Sir Michael Hicks Beach and  
Mr. Attorney-General for Ireland.)*

---

*Ordered, by The House of Commons, to be Printed,  
6 July 1874.*

---

[Bill 196.]  
*Under 2 oz.*

[37 & 38 VICT.] *Royal (late Indian) Ordnance Corps  
Compensation.*

1

A

B I L L

FOR

Granting Compensation to Officers of the Royal (late Indian) Ordnance Corps. A.D. 1874.

**W**HEREAS it is expedient to grant compensation, in manner herein-after mentioned, to officers of the Royal (late Indian) Ordnance Corps :

Be it therefore enacted by the Queen's most Excellent Majesty,  
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Royal (late Indian) Ordnance Corps Act, 1874." Short title  
of Act.

- 10 2. Subject as herein-after mentioned, the Army Purchase Commissioners acting under the Regulation of the Forces Act, 1871, in this Act referred to as the Commissioners, shall have power to consider the claims on retirement of any officers, who on the first day of November, one thousand eight hundred and seventy-one,  
15 were serving in any one of the corps following; that is to say,  
The Royal (late Bengal) Artillery,  
The Royal (late Bengal) Engineers,  
The Royal (late Madras) Artillery,  
The Royal (late Madras) Engineers,  
20 The Royal (late Bombay) Artillery, or  
The Royal (late Bombay) Engineers;

and to grant to any of the said officers who have retired since the said first day of November, or who may hereafter be permitted to retire, a compensation equal to the sums they would have received  
25 according to the custom, if any, of their corps, as or in the nature of a bonus for such retirement had they retired from their regiment on the said day, after deducting such sums (if any) as they may have received from the Indian revenues in respect or on account of such bonus.

[Bill 219.] +

A.D. 1874.

Condition  
precedent to  
payment of  
compensa-  
tion.

**3.** Compensation shall not be granted in pursuance of this Act to any officer of any of the said corps until arrangements have been made to the satisfaction of the Commissioners, and in such manner as they may direct, for payment or securing payment into the receipt of the Exchequer, for the use of the public, by or on 5 account of the corps to which such officer belongs, of any available sums, securities, or obligations constituting or standing to the account of any sinking fund or other fund, by whatever name known, formed after the amalgamation of the Indian with the British army, for the purpose of securing to every existing officer 10 of such corps a bonus on retirement.

Any trustees or other persons having in their possession or under their control any such sinking or other fund as is in this section mentioned, or any sums, securities, or obligations constituting the same, are hereby empowered (but are not required 15 unless they think it expedient so to do) to pay the same into the Exchequer for the use of the public; and they shall not be restrained from so doing by any court of law or equity whatsoever.

Adjustment  
of accounts.

**4.** Any such trustees or other persons as aforesaid, before paying into the Exchequer such fund as aforesaid belonging to any corps, 20 may, with the assent of the Commissioners, repay to officers in such corps any sums paid by them to retiring officers for the purpose of making good to such last-mentioned officers any deficiencies in the customary amounts receivable by them in respect of bonus on retirement; and the Commissioners, in estimating the amount of 25 compensation payable to any officer of any corps under this Act may take into account, as against such officer, the amount of any bonus which such officer may have failed to pay to any retiring officer of his corps in respect of the customary amount receivable by such last-mentioned officer in respect of bonus on retirement. 30

Certificate of  
Commis-  
sioners to be  
indemnity to  
trustees and  
others.

**5.** The Commissioners shall grant a certificate to any trustees or other persons dealing in manner authorised by this Act with any fund belonging to any of the said corps, and such certificate shall indemnify any person dealing with such fund against all actions and legal proceedings whatsoever which might have been 35 brought against him in respect of such dealings and against all claims whatsoever of persons interested in the fund so dealt with; and such fund shall be discharged from all claims of the persons so interested therein.

Powers of  
Commis-  
sioners ap-

**6.** All powers vested in the Commissioners by the said Regula- 40 tion of the Forces Act, 1871, for or in relation to their proceedings

under that Act, shall apply to their proceedings under this Act, and may be exercised by them for ascertaining any matter or fact, or doing any act required to be ascertained or done by them for the purposes of this Act, in the same manner in all respects as if their  
5 proceedings under this Act were proceedings under the said Regulation of the Forces Act, 1871.

A.D. 1874.  
plicable for  
purposes of  
this Act.

7. All expenses incurred by the Commissioners in carrying into effect this Act shall be defrayed out of moneys provided by Parliament.

Provision for  
expenses of  
compensa-  
ting officers.

**Royal (late Indian)  
Ordnance Corps  
Compensation.**

---

A

**B I L L**

For granting Compensation to Officers  
of the Royal (late Indian) Ordnance  
Corps.

*(Prepared and brought in by  
Mr. Raikes, Mr. Secretary Hardy, and  
Mr. William Henry Smith.)*

---

*Ordered, by The House of Commons, to be Printed,  
20 July 1874.*

---

[Bill 219.] +

*Under 1 oz.*

A  
B I L L

TO

Extend to the whole of Sunday the present restrictions on the      A.D. 1874.  
Sale of Beer and other fermented or distilled Liquors.      —

**W**HEREAS the provisions in force against the sale of fermented      35 & 36 Vict.  
and distilled liquors during certain hours of the Sunday have      c. 94.  
been found to be attended with great public benefits, and it is  
important to extend such provisions to the other hours of Sunday :

5 Be it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. From and after the passing of this Act, all premises in which      Premises  
10 intoxicating liquors are sold or exposed for sale by retail shall be      where in-  
closed during the whole of Sunday, subject to the provisions (except      toxicating  
as to the hours of closing on that day) of the Licensing Act, 1872.      liquors sold  
to be closed  
on Sundays.







# Sale of Liquors on Sunday.

---

A

## B I L L

To extend to the whole of Sunday the present restrictions on the Sale of Beer and other fermented or distilled Liquors.

*(Prepared and brought in by  
Mr. Wilson, Mr. Birley, Mr. Osborne Morgan,  
Mr. Cawley, Mr. Edward G. Davenport, and  
Mr. William M. Arthur.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
16 April 1874.*

---

---

[Bill 69.]

*Under 1 oz.*

A  
**B I L L**

TO

Extend to the whole of Sunday the present Restrictions on the Sale of Beer and other fermented and distilled Liquors in Ireland. A.D. 1874.

**W**HEREAS it will be attended with great public benefit to extend to the whole of Sunday the present restrictions on the sale of beer and other fermented or distilled liquors in Ireland :

Be it enacted by the Queen's most Excellent Majesty, by and  
5 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall not be lawful for any licensed victualler or person licensed to sell beer by retail to be drunk on the premises, or not  
10 to be drunk on the premises, or any person licensed or authorised to sell fermented or distilled liquors, or any person who, by reason of any right or privilege, shall claim to be entitled to sell wine by retail in any part of Ireland, to open or keep open his house for the sale of or to sell beer, wine, spirits, or any other fermented or  
15 distilled liquors on Sunday, except to a traveller or to a lodger therein, nor to allow any person to remain on the premises for the purpose of drinking beer, wine, spirits, or any other fermented or distilled liquor on Sunday, except a traveller or a lodger therein.

No person licensed to sell liquors to be drunk on the premises, or not, to keep open his house for the sale of liquors on Sundays, &c.

2. No person shall open any house or place of public resort for  
20 the sale of fermented or distilled liquors, or sell therein such liquors, in any part of Ireland on Sunday, except to travellers, nor allow any person to remain on the premises for the purpose of drinking beer, wine, spirits, or any other fermented or distilled liquor on Sunday, except a traveller.

Houses of public resort not to be opened for sale of liquors on Sunday, or for allowing persons to remain on the premises. travellers excepted.

25 3. If during any period during which any premises are required as provided by this Act to be closed, any person is allowed to enter or remain on such premises, such premises shall be deemed not to have been closed as required by this Act, unless the defendant in

Houses of public resort deemed open if persons on premises, unless proof to contrary.

[Bill 43.]

A.D. 1874. any proceeding for a penalty satisfies the court that such person was not on the premises in contravention of this Act.

Person not a traveller unless five miles from residence.

4. For the purposes of the provisions of this Act which relate to travellers, a person shall not be deemed to be a traveller unless he is at least five miles from the place of his residence for the time being. 5

Power to constable to enter houses.

5. It shall be lawful for any constable at any time to enter into any house or place of public resort in Ireland for the sale of beer, wine, spirits, or other fermented or distilled liquor or liquors, and every person who shall refuse to admit or shall not admit such constable into such house or place shall be esteemed guilty of an offence against this Act. 10

Penalty for offences against the foregoing sections of this Act.

6. Every person who shall offend against the foregoing sections of this Act shall be liable, upon a summary conviction for the same before any justice of the peace for the county, riding, division, liberty, city, borough, or place where the offence shall be committed, in a penalty not exceeding *ten pounds* for every such offence; and every separate sale, opening, or allowing to remain on the premises shall be deemed a separate offence. 15

Penalties for purchasing or seeking to purchase intoxicating liquors, or for being on the premises.

7. If during any period during which any premises are required under the provisions of this Act to be closed any person to whom intoxicating liquor cannot lawfully be sold during such period buys or obtains, or attempts to buy or obtain, at such premises any intoxicating liquor, such person shall be liable to a police penalty not exceeding *two pounds*. 20 25

If during the said period any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or lodger in such premises, or a traveller, or that otherwise his presence on such premises was not in contravention of the provisions of this Act, be liable to a police penalty not exceeding *two pounds*. 30

Any constable may demand the name and address of any person found on any premises during the period during which they are required by the said provisions of this Act to be closed, and, if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant and carry him before a justice of the peace. 35

Penalties for attempts at evasion.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence of the correctness of such name 40

and address, shall be liable to a police penalty not exceeding *five* A.D. 1874.  
*pounds.*

Every person who by falsely representing himself to be a traveller  
or a lodger buys or obtains or attempts to buy or obtain at any  
5 premises any intoxicating liquor during the period during which  
such premises are required to be closed in pursuance of this Act  
shall be liable to a police penalty not exceeding *five pounds.*

8. This Act shall extend to that part of the United Kingdom Extension  
of the Act.  
called Ireland only.

# Sale of Liquors on Sunday (Ireland).

A

## B I L L

To extend to the whole of Sunday the present Restrictions on the Sale of Beer and other fermented and distilled Liquors in Ireland.

*(Prepared and brought in by  
Mr. Richard Smyth, The O'Conor Don,  
Viscount Crichton, Mr. Dease, Mr. William  
Johnston, Mr. Redmond, Mr. James Corry,  
and Mr. Thomas Dickson.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
24 March 1874.*

---

---

[Bill 48.]

*Under 1 oz.*

# Sanitary Laws Amendment Bill.

## ARRANGEMENT OF CLAUSES.

### *Explanation and Amendment of Public Health Act, 1872.*

Clause.

1. Rural sanitary authority and board of guardians declared to be the same authority.
2. Where first meeting not held in accordance with 35 & 36 Vict. c. 79. s. 6.
3. The transfer of powers of sanitary authorities applies to authorities under local Acts.
4. Transfer of property in such cases.
5. Provision for the joint appointment of officers.
6. Assistant clerk may be appointed instead of clerk.
7. Parochial committee-man's qualification. Provision as to their expenses. Of parochial expenses.
8. Expenses in urban sanitary authority.
9. Provisional order may change incidence of charge.
10. Special expenses.
11. Provision for special expenses of small amounts.
12. Riparian authorities to have representatives on port sanitary board.
13. Riparian authority may be exempted from contribution.
14. The sanitary authorities of several ports may be combined.
15. Provisional orders for dissolution of districts.
16. Provisional orders under sect. 33. of 35 & 36 Vict. c. 79.
17. Extension of 35 & 36 Vict. c. 79. s. 39. as to adjustment of accounts.
18. Compensation to officers deprived by any provisional order.

### *Amendments of other Sanitary Acts. Powers and Duties of Sanitary Authorities.*

19. Expenses of police officer acting under 29 & 30 Vict. c. 90. s. 16. provided for.

[Bill 128.]

a



## Clause.

20. Order against a defaulting sanitary authority may be enforced by mandamus.
21. Duty of urban authority to cleanse streets, privies, and ashpits. Penalty on neglect of sanitary authority to cleanse privies or ashpits.

*Constitution and Election of Local Boards.*

22. Statements of owners to remain available for all subsequent proceedings. Appointments of proxies.
23. Register of owners to be kept.
24. Repeal of 21 & 22 Vict. c. 98. s. 14.
25. Power to divide districts into wards at any time, and to settle disputes as to boundaries.
26. Provision for uniform election of boards in March.
27. Day of the annual meeting.
28. Local Government Board may increase or diminish number of members.
29. How meetings of owners and ratepayers to be summoned in districts.
30. Provision as to the contracts of local boards.
31. Extension of Lands Clauses Consolidation Act to easements and rights.
32. Provision for lands belonging to the duchy of Lancaster.
33. Power to purchase water-mills, dams, and weirs.
34. Urban sanitary authority may let land or premises.
35. Notices to owners and occupiers may be given in other months than November and December.

*Borrowing Powers.*

36. Amendment of 21 & 22 Vict. c. 98. s. 57. regarding loans to sanitary authorities.
37. The 21 & 22 Vict. c. 98. s. 78., and the 19th section of the Local Government Act Amendment Act, 1861, are repealed.

*Audit of Accounts.*

38. Auditor to audit accounts of officers.
39. Amendment of 35 & 36 Vict. c. 79. as to taxation of bills.
40. Notices how to be signed.

*Byelaws.*

Clause.

41. Prohibition of works before approval.
42. Costs of local board in removing works to be recovered by summary proceeding.
43. Provision for continuing breaches of byelaws.
44. Byelaws as to roofs, foundations, and spouts of houses.
45. Byelaws as to hop-pickers.
46. Confirmation of regulations under Common Lodging Houses Act. No confirmation of byelaws but by Local Government Board.
47. Regulations as to lodgings in every sanitary district.
48. Notice, inspection, and publication of byelaws of rural sanitary authorities.
49. Notices of common lodging houses and slaughter house to be affixed on premises.

*Miscellaneous Sanitary Provisions.*

50. Provision for polluted water in wells and pumps.
51. Hospital when to be deemed within district. Provision for the execution of order of a justice removing sick person to a hospital.
52. Extension of 35 & 36 Vict. c. 79. ss. 51, 52. to the metropolis.
53. Extension of right of complaint under Nuisances Removal Acts.
54. The provisions of the Nuisances Removal Act for England (Amendment) Act, 1863, extended.
55. Warrant may be granted by a justice to search for unsound food.
56. Penalty on false representations with respect to infectious disease.

*Interpretation of the Act.*

57. Interpretation of words.
  58. Title of the Act.
-



A  
B I L L

[AS AMENDED ON CONSIDERATION]

TO

Amend and extend the Sanitary Laws.

A.D. 1874.

**W**HEREAS it is expedient that the Sanitary Acts should be explained and amended; and that sundry other provisions should be made to extend the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Explanation and Amendment of Public Health Act, 1872.*

1. It is hereby declared that the rural sanitary authority is the same body as the board of guardians of the union or parish for or within which such authority acts, and that all statutes, orders, and legal provisions applicable to a board of guardians apply to them when acting as such rural sanitary authority, except so far as any provision of the Public Health Act, 1872 (herein termed the Principal Act), relating to the acting or voting of a guardian or otherwise, may be to the contrary.

Rural sanitary authority and board of guardians declared to be the same authority.

2. Where any sanitary authority shall be acting in the execution of the said Act, their proceedings, from the time when they have so acted or shall hereafter so act, shall be deemed, if otherwise not invalid, to be legal, notwithstanding that a first meeting was not held by them in accordance with section six of the said Act; and their first meeting after the passing of the said Act shall be deemed their first meeting within the meaning of the seventh, eighth, and ninth sections of that Act.

Where first meeting not held in accordance with 35 & 36 Vict. c. 79. s. 6.

3. Whereas doubts have arisen as to the extent and meaning of the seventh section of the Principal Act: Be it therefore declared and enacted, that the provisions of the said section shall be deemed to have applied to every authority acting at the time of the passing of the Principal Act under the powers conferred upon them by a local Act with respect to any sanitary purposes, and that all the powers, rights, duties, capacities, liabilities, and obligations of any

The transfer of powers of sanitary authorities applies to authorities under local Acts.

[Bill 202.]

A

A.D. 1874. authority having jurisdiction under a local Act in the district of an urban sanitary authority at the time of the passing of the Principal Act, so far as they or any of them related to such purposes, were transferred to and became attached to the urban sanitary authority therein referred to. 5

Proviso as to certain turnpike trustees.

Provided that where any body of turnpike trustees have powers for any such sanitary purposes as aforesaid under a local Act, such trustees shall not be deemed to be an urban sanitary authority, but all their powers and obligations under such Acts for such purposes shall be transferred to the sanitary authority within whose district 10 the area to which the local Act applies shall be locally contained.

Provided that all acts, matters, rates, orders, or other things heretofore done, performed, assessed, or made by any authority under any local Act in this section referred to, or commenced and not completed at the time when this Act shall come into operation, 15 shall be legal, notwithstanding the said enactment, if not otherwise invalid.

Transfer of property in such cases.

4. It is also further declared and enacted, that the transfer of property provided for in section nine of the principal Act applies to the property of the authority acting under the powers conferred 20 upon them by a local Act for sanitary purposes, so far as such property is held for such purposes.

Provided that the dealing of any such authority with property previously vested in them before the passing of this Act, and not already brought into question in any court of law, shall be valid, 25 notwithstanding the Principal Act or this section.

Provision for the joint appointment of officers.

5. Whereas provision is made in the tenth section of the Principal Act for the joint appointment of certain officers for two or more sanitary districts, but the mode of making such joint appointment is not prescribed: When, therefore, two or more sanitary authorities 30 agree to join in the appointment of a medical officer of health or inspector of nuisances, the Local Government Board, if they approve of the agreement, shall, by order, prescribe the manner in which such officer shall be elected by the authorities so joining in the appointment, and determine the proportions in which the reasonable 35 expenses of and incident to such election shall be borne by such authorities respectively.

Assistant clerk may be appointed instead of clerk.

6. If the clerk to the board of guardians of any union or parish be unwilling or incompetent to act for them in discharge of their duties as rural sanitary authority, they may appoint their assistant 40 clerk to act for them as their clerk in such matters, with remuneration as in the Principal Act is provided.

7. The qualification of a member of the parochial committee authorised to be appointed by the rural sanitary authority in any parish or contributory place where no rate shall have been levied for sanitary purposes shall be that he shall contribute or be liable to contribute to the poor rate in such parish or contributory place.

A.D. 1874.  
Parochial  
committee-  
man's quali-  
fication.

A parochial committee may be empowered by the rural sanitary authority to incur expenses to such amount as shall be prescribed by such authority, but must not exceed such amount.

Provision as  
to their  
expenses.

It shall report the expenditure so incurred from time to time to the authority, according to the directions of such authority; and the amount so reported, if otherwise legally incurred, shall be discharged by the authority as other demands upon it are discharged.

Of parochial  
expenses.

8. Whereas doubts have arisen as to the meaning of the proviso to the sixteenth section of the Principal Act, with reference to the rate therein mentioned as a rate levied within the district: Be it therefore declared, that such rate shall signify one which is levied throughout the whole of the district.

Expenses  
in urban  
sanitary  
authority.

Provided that where any charges to which that section refers have been defrayed out of any rate before the passing of this Act, the same, if not heretofore questioned in any court of law, shall be deemed to have been legally defrayed, so far as any objection could arise out of the proviso in this section referred to.

Provided further, that when any charges directed by the said sixteenth section of the Principal Act to be paid in the case of a council of a borough out of the borough fund or borough rate have been hitherto divided between the landlord and tenant in moieties or otherwise, under the provisions of any local Act in that behalf, the Local Government Board may, upon application, by their order, make provision for the continuance of such division of the charges between parties during the continuance of any contract existing at the passing of the Act.

9. If application be made to the Local Government Board, whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the expenses referred to in the said sixteenth section of the Principal Act should be borne as therein provided, the said Board may, after enquiry by a provisional order, alter the incidence of such charge in respect of the whole or some of the expenditure referred to, as to them shall appear to be fair and equitable.

Provisional  
order may  
change inci-  
dence of  
charge.

10. Special expenses, as defined by section seventeen of the Principal Act, shall include the expenses of the maintenance and

Special  
expenses.

A.D. 1874. cleansing of sewers and streets, of providing, repairing, and cleansing public wells, tanks, cisterns, and pumps, of lighting, where duly authorised, in any contributory place, and the charges or expenses arising out of or incidental to the possession of property transferred to the rural sanitary authority in trust for any parish, district, or 5 contributory place.

Provision  
for special  
expenses  
of small  
amounts.

11. Whereas the amount of charges for special expenses is sometimes so small in contributory places that no special rate could be conveniently assessed for the same: Where, therefore, the amount required in respect of special expenses in any one year is 10 less than ten pounds, or is so small that a rate less than one penny in the pound would be required to raise the same, the overseers shall not assess and levy any special rate for the same, but shall pay the same out of the poor rate.

Riparian  
authorities  
to have re-  
presentatives  
on port  
sanitary  
board.

12. Where a sanitary authority is constituted a port sanitary 15 authority for any port which contains more than one riparian authority, every riparian authority, other than the port authority itself, shall, if authorised by the order of the Local Government Board to do so, send to the meetings of the port sanitary authority, as representative or representatives of such riparian authority, some 20 member or members of their own board, and such representative members shall be empowered to act as part of the board of the port sanitary authority in respect of all matters entrusted to such authority.

The number of members to be assigned to each riparian authority 25 shall be determined by the Local Government Board; and such Board may, by order, unite two or more riparian authorities for the election of one representative, and determine the mode of such election.

Riparian  
authority  
may be  
exempted  
from contri-  
bution.

13. Where several riparian authorities are combined in the dis- 30 trict of one port authority the Local Government Board may declare that some one or more of such authorities shall be exempt from contributing to the expenses incurred by such authorities.

The sanitary  
authorities  
of several  
ports may be  
combined.

14. The Local Government Board may combine the sanitary 35 authorities of several ports into one body to form a port sanitary authority for a district, and assign to such authority a title, and otherwise proceed as in the case of a port sanitary authority provided for by the twentieth section of the Principal Act.

And such combination shall be a united district, to which all the provisions of the said Act which relate to such a district shall apply, 40 except the necessity for the previous application to the Local Government Board and the previous enquiry.

15. When the Local Government Board propose by an order to dissolve a district, to detach part of an existing district, and to form another district out of the dissolved district and such other part, they may do so by one provisional order.

A.D. 1874.  
Provisional  
orders for  
dissolution  
of districts.

5 And when they form an urban sanitary district under section twenty-four of the Principal Act, they may, by the order constituting the district, if they see fit, divide the district into wards for the election of members.

16. The Local Government Board may, when applied to by the sanitary authority for the alteration or amendment of any local Act under section thirty-three of the Principal Act, extend the provisions of any local Act therein referred to beyond the boundaries of the district comprised therein, or diminish the area to which such Local Act shall apply, by provisional order.

Provisional  
orders under  
sect. 33. of  
35 & 36 Vict.  
c. 79.

17. The thirty-ninth section of the Principal Act, which provides for the adjustment of accounts, shall apply to cases of transfer or alleged transfer subsequent to the passing of the said Act, made by the operation of that Act, or under any provisional order of the Local Government Board, and such Board may include any settlement or adjustment made in accordance with such section in any provisional order which may give rise to the same.

Extension of  
35 & 36 Vict.  
c. 79. s. 39.  
as to adjust-  
ment of  
accounts.

18. The power of awarding compensation to officers conferred by the thirty-third section of the Principal Act shall be extended to officers who may be deprived of their office by reason of that Act or of any provisional order made under the authority thereof.

Compensa-  
tion to offi-  
cers deprived  
by any pro-  
visional  
order.

*Amendments of other Sanitary Acts. Powers and Duties of  
Sanitary Authorities.*

19. Where, under the directions of the Local Government Board, the chief officer of police in any place institutes proceedings under the sixteenth section of the Sanitary Act, 1866, he shall be entitled to recover from the authority in default all such expenses in and about such proceedings as he may incur, and as shall not be paid by the party proceeded against.

Expenses of  
police officer  
acting under  
29 & 30 Vict.  
c. 90. s. 16.  
provided for.

20. When the Local Government Board shall have at any time made any order under the forty-ninth section of the Sanitary Act, 1866, limiting the time for the performance by any authority of its duty, such order may be enforced by writ of mandamus, notwithstanding the provision in the said section contained for the performance of the duty in the event of the continued default of the sanitary authority.

Order  
against a  
defaulting  
sanitary  
authority  
may be en-  
forced by  
mandamus.

[202.]

A 3



A.D. 1874.

Duty of  
urban author-  
ity to  
cleanse  
streets,  
privies and  
ashpits.

Penalty on  
neglect of  
sanitary  
authority  
to cleanse  
privies or  
ashpits.

**21.** Every urban sanitary authority shall, when the Local Government Board by order so direct, make due provision for the proper cleansing of streets, the removal of house refuse from premises, and the cleansing of earth closets, privies, ashpits, and cesspools within its district.

5

If any sanitary authority having made such provision fail, without reasonable excuse, after notice in writing from the occupier of any house situated in such district requiring such authority to remove any house refuse, or to cleanse any earth closet, privy, cesspool, or ashpit belonging to such house, or used by the inmates or occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the sanitary authority shall on summary conviction be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period of two days.

15

*Constitution and Election of Local Boards.*

Statements  
of owners to  
remain  
available for  
all subse-  
quent pro-  
ceedings.

Appoint-  
ments of  
proxies.

Register of  
owners to be  
kept.

**22.** When an owner shall have made or shall hereafter make a claim to vote in any matter to which the Sanitary Acts apply, and shall have sent in his claim according to the provisions applicable thereto, such claim, if legally valid otherwise, shall remain in force for all occasions, so long as the owner shall continue to be qualified to vote as owner unless he shall withdraw the same.

20

And the appointment of a proxy authorized to be given by any of the said Acts shall continue in force for all occasions, until revoked, or the proxy resign, or the qualification of the corporation, company, or body making the appointment shall cease.

25

**23.** The local board shall cause a register to be made and kept, and from time to time revised, in which shall be entered the names, addresses, and qualifications of the owners making claims, and the names or descriptions, addresses, and qualifications of the bodies appointing the proxies, and the names and addresses of such proxies; and such register shall be open to the inspection of candidates and other persons interested at any election, or in any question at which any such owner or proxy claims to vote, subject to such rules as the returning officer or chairman may prescribe for the prevention of loss, injury, or disorder.

35

Repeal of  
21 & 22 Vict.  
c. 98. s. 14.

Power to  
divide dis-  
tricts into  
wards at any

**24.** The fourteenth section of the "Local Government Act, 1858," is hereby repealed.

**25.** The Local Government Board may at any time divide a district into wards according to the provisions contained in the twenty-fourth section of the said last-mentioned Act.

40

And where any dispute shall exist as to the boundaries of adjoining districts, the said board may, upon the application of the boards interested therein, after local inquiry, make an order to settle the same, and shall publish such order when made in one or more newspapers circulating in the respective districts.

A.D. 1874.  
time, and to  
settle dis-  
putes as to  
boundaries.

Such order, from a date to be appointed therein, shall be conclusive upon the question to which it relates.

26. Whereas it is advisable that there should be uniformity in the time at which all local boards formed under any of the Sanitary Acts shall annually commence their term of office :

Provision for  
uniform  
election of  
boards in  
March.

Now therefore, henceforth the last day for receiving nominations for every local board heretofore or hereafter constituted under any provision of the Sanitary Acts, shall be the twenty-sixth day of March in every year ; but if the twenty-sixth day of March be Sunday, Good Friday, or Easter Monday, the last day for receiving such nominations shall be the twenty-seventh day of March, or if it be Easter Sunday, such last day shall be the twenty-eighth day of March, and in any of these events the days for all the subsequent proceedings of the election shall be settled accordingly, in conformity with the intervals provided by the above-mentioned laws.

Provided that all elections which but for this Act would have commenced before the twenty-sixth day of March next shall be postponed until such day, and the members in office, where no election shall be pending at the passing of this Act, who would be required to go out of office sooner shall be entitled to continue in office until such day, and the members who would have continued to hold office after the said twenty-sixth day of March shall be entitled to hold their office as if they had been nominated on that day, regard being had to the successive periods of retirement provided for in the sanitary laws as regards such members.

Provided also, that when any local board or local government district shall be formed hereafter, the members elected at any time of the year prior to the twenty-sixth of March shall hold their office until that day, and further until the day of March in the following year when the first annual election shall take place according to the provisions of the Acts applicable to such elections.

27. The annual meeting of every local board shall be held as soon as convenient after the completion of the annual election.

Day of the  
annual  
meeting.

A.D. 1874.

Local Government Board may increase or diminish number of members.

How meetings of owners and ratepayers to be summoned in districts.

**28.** The Local Government Board may, after local inquiry, increase or diminish, by order, the number of members of such board.

**29.** When for the purpose of passing a resolution in the manner prescribed for the adoption of the Local Government Act, 1858, it is necessary that a meeting of owners of property and ratepayers in any urban sanitary district should be summoned, the mayor of the borough, or the chairman or acting chairman of the sanitary authority of the district, as the case may be, shall be the summoning officer of such meeting of owners and ratepayers, and shall be the chairman of the meeting, and shall conduct the same to its conclusion.

All expenses lawfully incurred by him in and about such meeting shall be paid out of the funds of the authority applicable to their general expenses.

If the mayor or chairman, as the case may be, shall be unable or unwilling to preside at the meeting or at the poll in the said Act provided, the town council or the sanitary authority respectively shall appoint some other person to preside.

Provision as to the contracts of local boards.

**30.** The limit of the amount of any contract of a local board which is required by the eighty-fifth section of the "Public Health Act, 1848," to be executed under seal, shall be enlarged to fifty pounds.

*Provisions as to the Acquisition of Property.*

Extension of Lands Clauses Consolidation Act to easements and rights.

Provision for lands belonging to the duchy of Lancaster.

**31.** The Lands Clauses Consolidation Act, 1845, shall, when put in force under any provision of the Sanitary Acts, extend to all land, easements, and rights in, over, or upon land, whether situated within or without the district of the sanitary authority.

**32.** The Chancellor and Council of the Duchy of Lancaster for the time being may, if they shall think fit, (but subject and without prejudice to the rights of any lessee, tenant, or occupier,) from time to time contract and agree with any sanitary authority for the sale of, and may (subject as aforesaid) absolutely make sale and dispose of, for such sum or sums of money as to the said Chancellor and Council shall appear sufficient consideration for the same, the whole or any part of any messuage, building, land, or hereditaments belonging to Her Majesty, her heirs or successors, in right of the said duchy, or any right, interest, or easement in, through, over, or upon any such messuage, building, land, or hereditaments which, for the purposes of any of the Sanitary Acts, such sanitary authority from time to time deem it expedient to purchase; and upon payment of

the purchase money as provided by the Duchy of Lancaster Lands Act, 1855, the said Chancellor and Council may grant and assure to the said authority, under the seal of the said duchy, in the name of Her Majesty, her heirs or successors, the subject of such contract and agreement or sale, and such money shall be dealt with as if such subject had been sold under the authority of "The Duchy of Lancaster Lands Act, 1855."

A.D. 1874.

**33.** Any sanitary authority may, subject to all rights, powers, and authorities in the sanitary Acts saved and excepted, buy up any water mill, dam, or weir which interferes with the proper drainage of or the supply of water to its district; and for the purpose of buying up any of the properties aforesaid, the Lands Clauses Consolidation Act, 1845, and any Act amending the same, shall be incorporated with this section, but the compulsory powers of purchase contained in the said Lands Clauses Act shall not be exercised except in pursuance of a provisional order of the Local Government Board.

Power to purchase water mills, dams, and weirs.

**34.** Any urban sanitary authority not heretofore empowered to do so may let temporarily, or for a term of years, with the consent of the Local Government Board, any land or premises which they may possess, as and when they can conveniently spare the same.

Urban sanitary authority may let land or premises.

**35.** The notices which, by the seventy-fifth section of the Local Government Act, 1858, are required to be given in the months of November and December, may be given in any two successive months of the year, but no enquiry preliminary to the provisional order to which such notices refer shall be held until the expiration of one month from the end of the second of such two months.

Notices to owners and occupiers may be given in other months than November and December.

#### *Borrowing Powers.*

**36.** The fifty-seventh section of the Local Government Act, 1858, shall extend to reborrowing as well as to original loans, and be amended so that the following provision shall be substituted for that contained in the paragraph No. 2.; namely,

Amendment of 21 & 22 Vict. c. 98. s. 57. regarding loans to sanitary authorities.

The money so borrowed shall not at any time exceed, with the balances of all the outstanding loans of the sanitary authority under the Sanitary Acts, in the whole, the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed, and the time for which the money

[202.]

B

A.D. 1874. may be borrowed shall not exceed sixty years, instead of thirty years as in the said section is declared :

Provided that where the proposed loan with such balances would exceed one year's assessable value, the Local Government Board shall not give their sanction to the loan until a local inquiry shall have been held by one of their inspectors, and his report of the result of such enquiry shall have been received by them :

Provided also, that where a loan is effected to pay off an existing loan, the time for repayment shall not exceed that for which the loan so to be repaid was contracted, unless with the sanction of the Local Government Board.

The 21 & 22  
Vict. c. 98.  
s. 78. and  
24 & 25 Vict.  
c. 61. s. 19.  
repealed.

**37.** The seventy-eighth section of the said last-mentioned Act and the nineteenth section of the Local Government Act Amendment Act, 1861, are hereby repealed, except so far as either of them may apply to any proceedings commenced but not completed at the passing of this Act.

#### *Audit of Accounts.*

Auditor  
to audit  
accounts of  
officers.

**38.** The power of the auditor to audit the accounts of sanitary authorities under the several Acts applicable thereto shall extend to the accounts of the officers, assistants, or servants of the said authorities who are required to receive monies or goods on behalf of such authorities, with the same consequences and subject to the same powers as in the case of the members of the boards of such authorities.

It shall be sufficient if the Local Board give fourteen days notice of the audit, instead of twenty days notice as required by the sixtieth section of the Local Government Act, 1858.

Amendment  
of 35 & 36  
Vict. c. 79.  
as to taxa-  
tion of bills.

**39.** The taxation of bills referred to in section fifty of the Principal Act may be made by the clerk of the peace as well as by his deputy.

Notices how  
to be signed.

**40.** Every notice required to be given on behalf of a sanitary authority shall be deemed to be sufficient on their behalf, if it be written or printed or partly written and printed, and purports to be signed by the clerk or acting clerk, surveyor, or inspector of nuisances, of such authority.

#### *Byelaws.*

Prohibition  
of works  
before  
approval.

**41.** No work for which a notice, plan, or description is required by any byelaw to be laid before a sanitary authority shall be

commenced before the expiration of one month, when the said notice, plan, or description shall have been delivered to such authority at their office, or at the office of their surveyor, nor at all if the said authority give notice of disapproval within one month  
5 from the day of such delivery, unless it can be shown that the work is in every respect conformable to the byelaw and the general law applicable to it. A.D. 1874.

**42.** Where any sanitary authority incurs expenses in or about the removal of any works executed contrary to any byelaw, such  
10 authority may recover, by proceedings before justices in a summary manner, subject to the same consequences and incidents as in other cases under the Sanitary Acts, the amount of such expenses from the person executing the works removed, or from the person causing the said works to be executed, at the discretion of such authority. Costs of local board in removing works to be recovered by summary proceeding.

**43.** Where a sanitary authority may lawfully remove, alter, or pull down any work begun or done in contravention of any byelaw, or where the beginning or the doing of the work is an offence in respect whereof the offender is liable under such byelaw to a penalty, the continued existence of the work in such a form and state as to  
20 be in contravention of the byelaw shall be deemed to be a continuing offence, within the provision of the Sanitary Acts applicable to byelaws, during a period of one year from the day when the offence was committed, or the byelaw was broken. Provision for continuing breaches of byelaws.

**44.** The power of making byelaws in regard to the walls of  
25 buildings shall be extended to the roofs, foundations, and spouts on the outside thereof, and for purposes of health as well as for the purposes of stability and protection against fire. Byelaws as to roofs foundations, and spouts of houses.

**45.** Every sanitary authority may make byelaws, to be confirmed by the Local Government Board, for regulating the lodging and  
30 other treatment of persons engaged in hop-picking in the district of such authority. Byelaws as to hop-pickers.

**46.** The regulations to be made by the local authority under the ninth section of the Common Lodging Houses Act, 1851, shall be confirmed by the Local Government Board instead of by one of Her  
35 Majesty's Principal Secretaries of State. Confirmation of regulations under Common Lodging Houses Act.

And where any byelaw is required to be confirmed by the Local Government Board, no confirmation by any other authority shall be required. No confirmation of byelaws but by Local Government Board.

**47.** The Local Government Board may, at its discretion, by  
40 notice to be published in the London Gazette, declare the enact- Regulations as to lodgings in

A.D. 1874      ment contained in section thirty-five of the Sanitary Act, 1866, to  
 every sani-      be in force in any part of the metropolis and in the district of  
 tary district.      any sanitary authority, notwithstanding the restrictions in the said  
                          section contained; and from and after the publication of such  
                          notice the authority named therein shall be empowered to make 5  
                          regulations in respect of the matters in that section mentioned,  
                          but such regulations shall not be of any validity unless and until  
                          they are confirmed by the Local Government Board.

Regulations made under the said section may extend to ventila-  
 tion of rooms, paving and drainage of premises, and to notices to 10  
 be given and precautions to be taken in case of any dangerously  
 infectious or contagious disease.

Notice,      48. Any rural sanitary authority who shall propose to make any  
 inspection,      byelaw under the Sanitary Acts shall cause a copy of the proposed  
 and publica-      byelaw to be deposited in their board room for the space of one 15  
 tion of bye-      month before applying to the Local Government Board for con-  
 laws of rural      firmation, and the same shall be open to inspection, and copies shall  
 sanitary      be furnished upon the same terms, and there shall be the same  
 authorities.      notice of application for confirmation as in the case of the byelaws  
                          of an urban sanitary authority. 20

All byelaws made by a rural sanitary authority, when confirmed,  
 shall be printed, and a copy thereof shall be hung up in their board  
 room, and a copy shall be transmitted to the overseers of every  
 parish to which the same shall apply, to be deposited with the  
 public documents of the parish, and to be open to the inspection 25  
 of any ratepayer in the parish at all reasonable hours.

And the clerk of the rural sanitary authority shall deliver a  
 copy of the byelaw, when so confirmed, to any ratepayer of the  
 district upon his application for the same.

Notices of      49. The keeper of every common lodging house which is regis- 30  
 common      tered under the Common Lodging Houses Acts, and the owner or  
 lodging      occupier of every slaughter-house causing the same to be licensed  
 houses and      or registered, as the case may be, under the Sanitary Acts,  
 slaughter      shall, when required to do so by the authority registering or  
 house to be      licensing the same, cause a notice with the words "Registered 35  
 affixed on      Lodging House," or "Licensed or Registered Slaughter House," as  
 premises.      the case may be, to be affixed on some conspicuous place on the  
                          outside of the premises where the same can be seen by any  
                          inspector or officer of the sanitary authority.

Such notice shall be affixed within one month after the regis- 40  
 tration or license, as the case may be, and shall be continued

undefaced and legible so long as the premises are used for the purpose. A.D. 1874.

Every person who shall make default in this respect, or shall neglect or refuse to affix or renew such notice after requisition in writing from the sanitary authority, shall be liable to a penalty not exceeding five pounds for every offence, and of ten shillings for every day that the neglect shall continue after conviction.

*Miscellaneous Sanitary Provisions.*

50. If it shall be represented to any nuisance authority in the metropolis or to any sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, and used or likely to be used for domestic purposes, is so polluted as to be injurious to health, such authority may apply to any justices having jurisdiction within their district, in petty sessions assembled, for an order to remedy the same, and thereupon such justices shall summon the person occupying the premises to which the well, tank, or cistern, belongs, if it be private, and, as regards any public well, tank, or cistern, or pump, such other person as shall be alleged in the application to be interested in the same, and shall either dismiss the application or make such an order in the case, by directing the well, tank, or cistern, or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or providing otherwise, as shall appear to them to be requisite to prevent injury to the health of persons drinking the water.

Provision  
for polluted  
water in  
wells and  
pumps.

For the purposes of such enquiry, the said justices may cause the water to be analysed at the cost of the sanitary authority applying.

And all the expenses incurred by such authority in and about the procuring of this order, and in carrying it into execution, shall be charged upon the funds applicable to their general expenditure, but, in the case of a rural sanitary authority, shall be deemed to be special expenses within the meaning of the Sanitary Acts.

Provided that where the order is made in respect of any private well, tank, or cistern, any person aggrieved thereby may appeal against the same in the manner provided by the one hundred and thirty-fifth section of the Public Health Act, 1848, and with the same incidents and consequences.

Where the justices dismiss the application, they may, if they think fit, award such costs to the person summoned as to them shall appear to be reasonable.



- A.D. 1874.** **51.** For the purposes of the twenty-sixth section of the Sanitary Act, 1866, every hospital or place for the reception of the sick which shall be declared by an order of the Local Government Board to be situated within a convenient distance of the district of any authority for the purposes of that section shall be deemed 5 to be within the district of such authority.
- Hospital when to be deemed within district.**
- Where a justice shall make an order under that section for the removal of a sick person to a hospital or other place, he shall address it to such police or other officer as he shall consider expedient; and every person wilfully disobeying the order, or 10 obstructing the execution of the same, shall be guilty of an offence punishable on summary conviction before two justices, and be liable to a penalty not exceeding ten pounds.
- Provision for the execution of order of a justice removing sick person to a hospital.**
- 52.** The fifty-first and fifty-second sections of the principal Act shall apply to the metropolis, and the local authorities empowered 15 to execute the Nuisance Removal Acts in the metropolis and in the city of London respectively shall be deemed to be sanitary authorities within the operation of the said fifty-first section, be empowered to pay expenses to be incurred by them under those sections out of their general rate. 20
- 53.** The right of complaint given by the thirteenth section of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter seventy-seven, shall extend to nuisances in any parish or place, whether on private or public premises, and may be exercised by any inhabitant in such parish or place, or by any owner of 25 premises situated therein, or by any other person aggrieved or injuriously affected thereby.
- 54.** The second section of the Nuisances Removal Act for England (Amendment) Act, 1863, shall extend to milk, butter, cheese, and eggs in the same manner as if those words had been 30 introduced after the word "flour" wherever the word "flour" occurs in the said section; and the justice who under the said section is empowered to convict the offender therein described may be other than the justice who may have ordered the article to be disposed of or destroyed. 35
- 55.** On complaint made by a medical officer of health or by any inspector or other officer of a nuisance authority in the metropolis, or of any sanitary authority upon oath, any justice may grant a warrant to any such officer to enter any building or part of a building or other place in which the complainant has reasonable 40 ground for believing that any animal, carcase, meat, poultry, game,
- Extension of 35 & 36 Vict. c. 79. ss. 51, 52. to the metropolis.**
- Extension of right of complaint under Nuisances Removal Acts.**
- The provisions of the Nuisances Removal Act for England (Amendment) Act, 1863, extended.**
- Warrant may be granted by a justice to search for unsound food.**

the food of man, which is so diseased, unsound, or unwholesome as to be unfit for the food of man, is kept or concealed, and to search for, seize, and carry away any such animal, carcase, meat, poultry, game, fish, fruit, vegetables, corn, bread, flour, or milk, in order  
 5 to have the same dealt with in manner provided by law ; and any person obstructing any such officer in performance of any duty under this section shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

A.D. 1874.

- 10 **56.** If any owner or occupier or person employed to let for hire, or to show for the purposes of letting for hire, any house or part of a house, when questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being in such house, or having within six weeks previously been therein, any  
 15 person suffering from an infectious, contagious, or epidemic disease, knowingly makes a false answer to such question, the person so answering falsely shall be guilty of an offence punishable on summary conviction, and, at the discretion of the justices having cognizance of the case, be liable to be imprisoned, with or without  
 20 hard labour, for a period not exceeding one month, or to pay a penalty not exceeding twenty pounds.

Penalty on false representations with respect to infectious disease.

*Interpretation of the Act.*

- 57.** All the words used in this Act shall have the same meaning as assigned to them in the Sanitary Acts as defined by the Principal  
 25 Act; and all the provisions of the Sanitary Acts shall apply to this Act, except so far as they shall be repealed hereby, or shall be inconsistent with anything herein contained.

Interpretation of words.

- Provided that all rights, powers, and authorities saved by any of the said Acts, and not transferred or expressly repealed by this Act,  
 30 and all enactments incidental to such rights, powers, and authorities shall be and remain in full force and validity.

- The term "sanitary authority" used in the forty-first and forty-second sections of the Public Health Act, 1872, shall be held to include a local board of health constituted for the purposes of main  
 35 sewerage only.

- 58.** This Act may be cited as "The Sanitary Law Amendment Act, 1874."

Title of the Act.

**Sanitary Laws  
Amendment.**

---

A

**B I L L**

[AS AMENDED ON CONSIDERATION]

To amend and extend the Sanitary  
Laws.

(*Prepared and brought in by  
Mr. Selator Booth and Mr. Clare Read.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
10 July 1874.*

---

---

[Bill 202.]  
*Under 3 oz.*

















